

CHARTER OF THE CITY OF FORT LAUDERDALE, FLORIDA*

*Editor's note: The city charter, being section 2 of Ord. No. C-84-87, adopted October 2, 1984, and approved at referendum on November 6, 1984, is published as enacted and subsequently amended, except that changes in the treatment of numbers, punctuation in article and section catchlines and in the printing of numbers have been made for uniformity and consistency with the new city Code. Absence of a history note indicates that the provision is derived from Ord. No. C-84-87. History notes indicate the source of amendments. Section 1 of Ord. No. C-84-87 repealed the existing charter. Section 3 of such ordinance provided for a referendum. Section 4 of such ordinance provided for the repeal of inconsistent charter and ordinance provisions. Section 5 of such ordinance provided for severability. Section 6 of such ordinance provided for an effective date.

Article I. Creation and Powers

- Sec. 1.01. Creation and powers.
- Sec. 1.02. Seal.

Article II. Corporate Limits

- Sec. 2.01. Description of corporate limits.
- Sec. 2.02. Greater Fort Lauderdale Area, West.

Article III. Government of City and Form of Government

- Sec. 3.01. Commissioner-manager plan.
- Sec. 3.02. Creation, composition and term of commission.
- Sec. 3.03. Qualification of members; forfeiture of office.
- Sec. 3.04. Judge of elections and qualifications of members.
- Sec. 3.05. Designation of vice-mayor.
- Sec. 3.06. Powers vested in commission; limitations.
- Sec. 3.07. Not to direct appointment of employees.
- Sec. 3.08. Forfeiture of office.
- Sec. 3.09. Organization meeting.
- Sec. 3.10. Special meeting to seat a new member.
- Sec. 3.11. Regular meetings.
- Sec. 3.12. Special meetings--How called.
- Sec. 3.13. Meeting place; meetings to be public.
- Sec. 3.14. Quorum and vote.
- Sec. 3.15. Initiative; petition for proposed ordinance.
- Sec. 3.16. Circulating petition for an election.
- Sec. 3.17. Commission required to take action.
- Sec. 3.18. Time of holding election.
- Sec. 3.19. Ballots.
- Sec. 3.20. Referendum elections.
- Sec. 3.21. Recall.

Sec. 3.22. Offenses relating to petitions.

Article IV. Executive Officers

Sec. 4.01. Executive officers.

Sec. 4.02. Compensation of officers and employees.

Sec. 4.03. Official bonds.

Sec. 4.04. Functions and duties of mayor-commissioner.

Sec. 4.05. City manager; appointment; qualifications; compensation.

Sec. 4.06. Acting city manager upon resignation of or during absence or disability of city manager.

Sec. 4.07. Assistants to the city manager.

Sec. 4.08. Removal or discharge.

Sec. 4.09. Powers and duties.

Sec. 4.10. City attorney; appointment; qualifications; compensation.

Sec. 4.11. Assistants to the city attorney.

Sec. 4.12. Duties.

Sec. 4.13. City clerk.

Article V. Administrative Organization

Sec. 5.01. Departments and duties.

Article VI. Civil Service System

Sec. 6.01. Civil service established.

Sec. 6.02. Classified and nonclassified service.

Sec. 6.03. Status of present employees and offices.

Sec. 6.04. Civil service board; created; composition.

Sec. 6.05. Pay plan and personnel rules.

Sec. 6.06. City commission involvement prohibited.

Article VII. Elections

Sec. 7.01. Nonpartisan elections.

Sec. 7.02. Compensation of county supervisor of elections.

Sec. 7.03. City clerk to represent city in matters relating to registration.

Sec. 7.04. General laws to apply.

Sec. 7.05. Primary election.

Sec. 7.06. When primary election unnecessary.

Sec. 7.07. General election; regular municipal election.

Sec. 7.08. Filling vacancies in commission.

Sec. 7.09. Special municipal primary election.

Sec. 7.10. Special municipal elections to elect mayor-commissioner or city commissioners.

Sec. 7.11. Special elections for other purposes.

Sec. 7.12. Elections--How arranged for; creation of districts.

Sec. 7.13. Ballots.

Sec. 7.14. Candidates for mayor-commissioner and city commissioner.

Sec. 7.15. Conduct of candidates for city commission.

- Sec. 7.16. Election; tie vote; primary election to fill one vacancy.
- Sec. 7.17. Interim government.

Article VIII. Public Property

- Sec. 8.01. Sale of personal property; procedure; public notice.
- Sec. 8.02. Sale of public lands and of public property to public bodies.
- Sec. 8.03. Acquiring right-of-way for purpose of conveying same to a public body.
- Sec. 8.04. Sale of real property to private persons, firms or corporations.
- Sec. 8.05. Leases for not more than one year.
- Sec. 8.06. Leases at Bahia-Mar.
- Sec. 8.07. Leases with governmental entities or agencies for governmental purposes.
- Sec. 8.08. Leases of parking spaces in parking facilities owned or operated by the city.
- Sec. 8.09. Leases for more than one year and not more than fifty years.
- Sec. 8.10. Fort Lauderdale Executive Airport (Prospect Field).
- Sec. 8.11. Sale of real property at Fort Lauderdale Executive Airport (Prospect Field).
- Sec. 8.12. Leases of Shops in Central Business District Parking Garage.
- Sec. 8.13. Leases to civic and charitable organizations.
- Sec. 8.14. Form and execution of leases.
- Sec. 8.15. Granting franchises.
- Sec. 8.16. Rates to be charged.
- Sec. 8.17. Conditions of grant or franchise.
- Sec. 8.18. Assignments of grants.
- Sec. 8.19. Right of regulation.
- Sec. 8.20. General provisions.
- Sec. 8.21. Disposing of public property.

Article IX. Annual Budget and Levy

- Sec. 9.01. Fiscal year.
- Sec. 9.02. City manager's budget message and recommendations.
- Sec. 9.03. Adoption of budget and millage rates.
- Sec. 9.04. Transfer of funds during current year.
- Sec. 9.05. Unencumbered balance at end of fiscal year.

Article X. Miscellaneous Provisions

- Sec. 10.01. Reserved.
- Sec. 10.02. Independent annual audit.
- Sec. 10.03. Public hearings and public notice.

Article XI. Transition Schedule

- Sec. 11.01. Former charter provisions.
- Sec. 11.02. Ordinances preserved.
- Sec. 11.03. Rights of officers and employees.

Sec. 11.04. Pending matters.

Appendix A. Former Charter Provisions Not Constituting An Ordinance

Sec. 1. Public works.

Sec. 2. Lights, heat and power.

Sec. 3. Waterworks plants.

Sec. 4. Service of utilities to consumers outside of city.

Appendix B. Other Special Acts

Division 1. Generally

Secs. 1--200. Reserved.

Division 2. Urban Renewal

Sec. 201. Short title.

Sec. 202. Findings and declarations of necessity.

Sec. 203. Encouragement of private enterprise.

Sec. 204. Workable program.

Sec. 205. Finding of necessity by the board of representatives.

Sec. 206. Preparation and approval of urban renewal projects and urban renewal plans.

Sec. 207. Powers.

Sec. 208. Eminent domain.

Sec. 209. Disposal of property in urban renewal area.

Sec. 210. Issuance of bonds.

Sec. 211. Bonds as legal investments.

Sec. 212. Property exempt from taxes and from levy and sale by virtue of an execution.

Sec. 213. Cooperation by public bodies.

Sec. 214. Title of purchaser.

Sec. 215. Exercise of powers in carrying out urban renewal project.

Sec. 216. Urban renewal agency.

Sec. 217. Interested public officials, commissioners or employees.

Sec. 218. Definitions.

Sec. 219. Separability; act controlling.

ARTICLE I. CREATION AND POWERS

Sec. 1.01. Creation and powers.

The City of Fort Lauderdale is hereby created which shall have all governmental, corporate and proprietary powers to enable it to conduct municipal government, perform municipal functions and render municipal services, and may exercise any power for municipal purposes except as otherwise provided by law.

Sec. 1.02. Seal.

The official seal of the City of Fort Lauderdale shall bear the legend "City of Fort Lauderdale, Broward County, Florida, Seal, established March 27, 1911."

ARTICLE II. CORPORATE LIMITS

Sec. 2.01. Description of corporate limits.

The following area shall constitute the corporate limits of the City of Fort Lauderdale:
All lands within the corporate limits of the City of Fort Lauderdale on July 27, 1984, are described as lands lying within the following boundaries:

Begin at a point in the Atlantic Ocean being the intersection of the east boundary of the State of Florida and the easterly extension of the north boundary of Section 19, Township 49 South, Range 43 East; thence go westerly along said extension and said north boundary to the centerline of the Intracoastal Waterway; thence northerly along said centerline through Sections 18 and 7, Township 49 South, Range 43 East to a line thirty-five (35) feet south of and parallel to the north boundary of said Section 7, Township 49 South, Range 43 East; thence westerly along said parallel line to intersect a line twenty-five (25) feet east of and parallel to the west boundary of the Northeast one-quarter (NE 1/4) of the Northwest one-quarter (NW 1/4) of the Northwest one-quarter (NW 1/4) of Section 7, Township 49 South, Range 43 East; thence southerly along said parallel line to intersect the easterly extension of a line thirty (30) feet south of and parallel to the north boundary of the Southwest one-quarter (SW 1/4) of the Northwest one-quarter (NW 1/4) of the Northwest one-quarter (NW 1/4) of said Section 7, Township 49 South, Range 43 East; thence westerly along said easterly extension and said parallel line to a line five hundred fifteen and forty-three hundredths (515.43) feet west of and parallel to the west boundary of the Northeast one-quarter (NE 1/4) of the Northwest one-quarter (NW 1/4) of the Northwest one-quarter (NW 1/4) of said Section 7, Township 49 South, Range 43 East; thence northerly along said parallel line to the north boundary of the Southwest one-quarter (SW 1/4) of the Northwest one-quarter (NW 1/4) of the Northwest one-quarter (NW 1/4) of said Section 7, Township 49 South, Range 43 East; thence westerly along said north boundary and along the north boundary of the South one-half (S 1/2) of the Northeast one-quarter (NE 1/4) of the Northeast one-quarter (NE 1/4) of Section 12, Township 49 South, Range 42 East to the east boundary of the Northwest one-quarter (NW 1/4) of the Northeast one-quarter (NE 1/4) of Section 12, Township 49 South, Range 42 East; thence northerly along said east boundary to a line two hundred fifty (250) feet south of and parallel to the north boundary of Section 12, Township 49 South, Range 42 East; thence westerly along said parallel line to the east boundary of Block 3 in the plat "WESTFIELD, SECTION 'A' " (Plat Book 40, Page 37, Broward County Records); thence northerly along said east boundary to the northeast corner thereof; thence westerly along the north boundary thereof and its westerly projection, and along the north boundary of Block 4 in said "WESTFIELD, SECTION 'A' " and its westerly projection to the centerline of Canal C-14 (Cypress Creek Canal); thence southwestwardly along said centerline to the east right-of-way line of the Florida East Coast Railway; thence southerly along said east right-of-way line to the south boundary of the North one-half (N 1/2) of the North one-half (N 1/2) of Section 14, Township 49 South, Range 42 East; thence easterly along said south boundary to the west boundary of the East one-half (E 1/2) of the West one-half (W 1/2) of the Southwest one-quarter (SW 1/4) of the Northeast one-quarter (NE 1/4) of Section 14, Township 49 South, Range 42 East; thence southerly along said west boundary to the south boundary of the North one-half (N 1/2)

of the South one-half (S 1/2) of the Southwest one-quarter (SW 1/4) of the Northeast one-quarter (NE 1/4) of Section 14, Township 49 South, Range 42 East; thence easterly along said south boundary to the west boundary of the East one-half (E 1/2) of the East one-half (E 1/2) of Section 14, Township 49 South, Range 42 East; thence southerly along said west boundary to the south right-of-way line of East Commercial Boulevard; thence easterly along said south right-of-way line to the west boundary of the Northeast one-quarter (NE 1/4) of the Northeast one-quarter (NE 1/4) of the Southeast one-quarter (SE 1/4) of Section 14, Township 49 South, Range 42 East; thence southerly along said west boundary to the south boundary thereof; thence easterly along said south boundary to the west boundary of Section 13, Township 49 South, Range 42 East; thence southerly along said west boundary to the north right-of-way line of N.E. 45th Street; thence easterly along said north right-of-way line to the west right-of-way line of U. S. Highway No. 1 (State Road No. 5); thence southerly along said west right-of-way line to a radial return concave to the northwest and tangent to the north right-of-way line of Oakland Park Beach Boulevard; thence southerly and westerly along said return having a radius of thirty (30) feet to said north right-of-way line; thence westerly along said north right-of-way line to the west boundary of Section 24, Township 49 South, Range 42 East; thence southerly along said west boundary and along the west boundary of Section 25, Township 49 South, Range 42 East to the centerline of North Fork Middle River; thence southerly (downstream) along said centerline to the centerline of South Fork Middle River; thence westerly (upstream) along the centerline of South Fork Middle River and Middle River Canal to the east right-of-way line of Interstate ninety-five (I-95); thence southwestwardly along said east right-of-way line to the north right-of-way line of N.W. 19th Street; thence westerly along said north right-of-way line to the northeast corner of Lot 1, Block 1 of the plat "NORTH WEST LAUDERDALE" (Plat Book 25, Page 25, Broward County Records); thence northerly to the northeast corner of Lot 4 in the said Block 1; thence westerly to the northwest corner of said Lot 4; thence southerly to the southwest corner of said Lot 1 and north right-of-way line of N.W. 19th Street; thence westerly along said north right-of-way line to the east right-of-way line of N.W. 31st Avenue; thence northerly along said east right-of-way line to the north boundary of the South one-half (S 1/2) of the South one-half (S 1/2) of the Southwest one-quarter (SW 1/4) of Section 29, Township 49 South, Range 42 East; thence westerly along said north boundary and along the north boundary of the South one-half (S 1/2) of the South one-half (S 1/2) of the Southeast one-quarter (SE 1/4) of Section 30, Township 49 South, Range 42 East to the west boundary of the Southeast one-quarter (SE 1/4) of the Southwest one-quarter (SW 1/4) of the Southeast one-quarter (SE 1/4) of Section 30, Township 49 South, Range 42 East; thence southerly along said west boundary and along the west boundary of the Northeast one-quarter (NE 1/4) of the Northwest one-quarter (NW 1/4) of the Northeast one-quarter (NE 1/4) of Section 31, Township 49 South, Range 42 East to the south right-of-way line of N.W. 19th Street; thence easterly along said south right-of-way line to the west right-of-way line of N.W. 31st Avenue; thence southerly along said west right-of-way line to the south boundary of the North one-half (N 1/2) of the North one-half (N 1/2) of the Southeast one-quarter (SE 1/4) of Section 31, Township 49 South, Range 42 East; thence easterly along said south boundary and along the south boundary of the North one-half (N 1/2) of the Northwest one-quarter (NW 1/4) of the Southwest one-quarter (SW 1/4) of Section 32, Township 49 South, Range 42 East; to the east boundary

of the West one-half (W 1/2) of the West one-half (W 1/2) of Section 32, Township 49 South, Range 42 East; thence northerly along said east boundary to the south boundary of the Northwest one-quarter (NW 1/4) of the Southeast one-quarter (SE 1/4) of the Northwest one-quarter (NW 1/4) of Section 32, Township 49 South, Range 42 East; thence easterly along said south boundary to the east boundary of the West one-half (W 1/2) of the East one-half (E 1/2) of the Northwest one-quarter (NW 1/4) of Section 32, Township 49 South, Range 42 East; thence northerly along said east boundary to the southwest corner of the plat "LAKE AIRE ESTATES" (Plat Book 54, Page 15, Broward County Records); thence easterly along the south boundary of said "LAKE AIRE ESTATES" and along the south boundary of the plat "LAUDERDALE MANORS HOMESITES" (Plat Book 34, Page 21, Broward County Records) to the west boundary of the East one-half (E 1/2) of the East one-half (E 1/2) of Section 32, Township 49 South, Range 42 East; thence southerly along said west boundary to the south boundary of the North three-quarters (N 3/4) of the North one-half (N 1/2) of the Southeast one-quarter (SE 1/4) of Section 32, Township 49 South, Range 42 East; thence westerly along said south boundary to intersect the southerly extension of the west right-of-way line of N.W. 24th Terrace; thence northerly along said southerly extension and said west right-of-way line to the northeast corner of Lot 1 of Block 43 of the plat "WASHINGTON PARK 4TH ADDITION" (Plat Book 22, Page 44, Broward County Records) and the south right-of-way line of N.W. 13th Court; thence westerly along said south right-of-way line to the northwest corner of Lot 6 in said Block 43; thence southerly along the west boundary of said Lot 6 to the southwest corner thereof; thence westerly along the north boundary of Lots 44, 43, 42, and 41 in said Block 43 to the northwest corner of said Lot 41; thence southerly along the west boundary of said Lot 41 and along the southerly extension of said west boundary and along the west boundary of Lots 10 and 41 of Block 42 in said "WASHINGTON PARK 4TH ADDITION" to the southwest corner of said Lot 41 and the north right-of-way line of N.W. 12th Court; thence easterly along said north right-of-way line to intersect a line nineteen (19) feet east of and parallel to the west boundary of the East one-half (E 1/2) of the Northwest one-quarter (NW 1/4) of the Southeast one-quarter (SE 1/4) of Section 32, Township 49 South, Range 42 East; thence southerly along said parallel line to intersect the easterly extension of the north boundary of the South one-half (S 1/2) of Block 1 of the Plat "NEW TOWN" (Plat Book 23, Page 9, Broward County Records); thence westerly along said easterly extension and along said north boundary to the northwest corner of Lot 18 of said Block 1 and the east right-of-way line of N.W. 27th Avenue; thence southerly along said east right-of-way line to a point of curvature of a curve to the left twenty-five and nine hundredths (25.09) feet north of the southwest corner of Block 3 in said "NEW TOWN"; thence along the arc of said curve to the north right-of-way line of N.W. 11th Court; thence along said north right-of-way line and the easterly extension thereof to intersect a line nineteen (19) feet east of and parallel to the west boundary of the East one-half (E 1/2) of the Southwest one-quarter (SW 1/4) of the Southeast one-quarter (SE 1/4) of Section 32, Township 49 South, Range 42 East; thence southerly along said parallel line to the north boundary of the South one-half (S 1/2) of the Southwest one-quarter (SW 1/4) of the Southeast one-quarter (SE 1/4) of Section 32, Township 49 South, Range 42 East; thence westerly along said north boundary to a line one hundred seventy-five (175) feet east of and parallel to the west boundary of the Southeast one-quarter (SE 1/4) of Section 32, Township 49

South, Range 42 East; thence southerly along said parallel line to a line two hundred (200) feet north of and parallel to the south boundary of Section 32, Township 49 South, Range 42 East; thence easterly along said parallel line to the west boundary of the East one-half (E 1/2) of the East one-half (E 1/2) of Section 32, Township 49 South, Range 42 East; thence southerly along said west boundary and along the west boundary of the East one-half (E 1/2) of the East one-half (E 1/2) of Section 5, Township 50 South, Range 42 East to the north boundary of the plat "THE R.E.B. PLAT" (Plat Book 74, Page 43, Broward County Records); thence westerly along said north boundary to the northwest corner of said "THE R.E.B. PLAT" and the easterly right-of-way line of N.W. 25th Avenue; thence southeasterly along said easterly right-of-way line to the southwest corner of said "THE R.E.B. PLAT"; thence easterly along the south boundary of said "THE R.E.B. PLAT" to intersect the west boundary of the East one-half (E 1/2) of the East one-half (E 1/2) of Section 5, Township 50 South, Range 42 East; thence southerly along said west boundary to the north right-of-way line of West Broward Boulevard; thence westerly along said north right-of-way line to the northerly extension of the west right-of-way line of S.W. 31st Avenue; thence southerly along said extension and said west right-of-way line to the north boundary of Section 18, Township 50 South, Range 42 East; thence westerly along said north boundary to the east right-of-way line of U.S. Highway No. 441 (State Road No. 7); thence southerly along said east right-of-way line to the south right-of-way line of Riverland Road; thence easterly along said south right-of-way line to the southerly extension of the east right-of-way line of that portion of S.W. 35th Avenue lying in Section 18, Township 50 South, Range 42 East; thence northerly along said extension and said east right-of-way line to the south boundary of the North one-half (N 1/2) of the South one-half (S 1/2) of the Northeast one-quarter (NE 1/4) of Section 18, Township 50 South, Range 42 East; thence easterly along said south boundary to the east boundary of the West one-half (W 1/2) of the West one-half (W 1/2) of the Northeast one-quarter (NE 1/4) of Section 18, Township 50 South, Range 42 East; thence northerly along said east boundary to the south right-of-way line of S.W. 14th Street; thence easterly along said south right-of-way line to the northwest corner of Block 13 of the plat "CHULA VISTA 1st ADDITION" (Plat Book 23, Page 21, Broward County Records); thence southerly along the west boundary of said Block 13 and along the west boundaries of Block 15 and Lots 3, 5, 6 and 7 in Block 19 of said "CHULA VISTA 1st ADDITION" to the southwest corner of said Lot 7; thence westerly twenty-five (25) feet to the west boundary of the canal lying in Blocks 19 and 18 of the plat "CHULA VISTA 1st ADDITION REVISED" (Plat Book 30, Page 43, Broward County Records); thence southerly along said west boundary and its extension to the south boundary of said plat; thence easterly along said south boundary and along the south boundary at the North one-half (N 1/2) of the South one-half (S 1/2) of Section 17, Township 50 South, Range 42 East to the west boundary of the East one-half (E 1/2) of the Southeast one-quarter (SE 1/4) of Section 17, Township 50 South, Range 42 East; thence southerly along said west boundary to the centerline of South Fork New River; thence northeasterly (downstream) along said centerline to the west right-of-way line of the Seaboard System Railroad; thence southerly along said west right-of-way line to the westerly extension of the south right-of-way line of Port Everglades Belt Line Railway; thence easterly along said westerly extension and along said south right-of-way line to the west right-of-way line of the Florida East Coast Railway; thence southerly along said

west right-of-way line to the south boundary of the North one-half (N 1/2) of Section 27, Township 50 South, Range 42 East; thence easterly along said south boundary to the west right-of-way line of Dixie Highway as located on December 4, 1925; thence northerly along said west right-of-way line to a line six hundred seventy-six and twenty-six hundredths (676.26) feet, more or less, north of and parallel to the south boundary of Section 22, Township 50 South, Range 42 East; thence easterly along said parallel line thirty (30) feet, more or less, to the east right-of-way line of said Dixie Highway; thence northerly along said east right-of-way line to the south boundary of the North one-half (N 1/2) of the Southeast one-quarter (SE 1/4) of Section 22, Township 50 South, Range 42 East; thence easterly along said south boundary to the east boundary of Section 22, Township 50 South, Range 42 East; thence northerly along said east boundary to the east right-of-way line of Miami Road; thence northerly along said east right-of-way line to the south boundary of Section 14, Township 50 South, Range 42 East; thence easterly along said south boundary and along the south boundary of Section 13, Township 50 South, Range 42 East and its extension, to the east boundary of the State of Florida; thence northerly along the east boundary of the State of Florida to the point of beginning;

And further included within the corporate limits of City of Fort Lauderdale are lands known as Fort Lauderdale Executive Airport and the Fiveash Water Supply Area, together with certain lands contiguous thereto, all lying within the following boundaries:

Begin at the southeast corner of the Northwest one-quarter (NW 1/4) of the Southeast one-quarter (SE 1/4) of Section 16, Township 49 South, Range 42 East; thence go westerly along the south boundary of the North one-half (N 1/2) of the South one-half (S 1/2) of Section 16, Township 49 South, Range 42 East and along the south boundary of the North one-half (N 1/2) of the South one-half (S 1/2) of Section 17, Township 49 South, Range 42 East to the southeast corner of Lot 17 of the plat "FORT LAUDERDALE INDUSTRIAL AIRPORT - SECTION 1" (Plat Book 63, Page 10, Broward County Records) and the westerly right-of-way line of Prospect Field Road; thence northwesterly along the northeasterly boundary of said Lot 17 and said westerly right-of-way line to the northwest corner of said Lot 17; thence southerly along the west boundary of said Lot 17 to the westerly right-of-way line of Prospect Field Road; thence northwesterly along said westerly right-of-way line to the north boundary of the South one-half (S 1/2) of the Northwest one-quarter (NW 1/4) of the Southeast one-quarter (SE 1/4) of Section 17, Township 49 South, Range 42 East; thence easterly along the north boundary thereof to the west boundary of the Northeast one-quarter (NE 1/4) of the Southeast one-quarter (SE 1/4) of Section 17, Township 49 South, Range 42 East; thence northerly along said west boundary thereof and along the west boundary of the South one-half (S 1/2) of the Southwest one-quarter (SW 1/4) of the Southeast one-quarter (SE 1/4) of the Northeast one-quarter (NE 1/4) of Section 17, Township 49 South, Range 42 East to the northwest corner thereof; thence easterly along the north boundary thereof to the west boundary of the East one-half (E 1/2) of the Southeast one-quarter (SE 1/4) of the Northeast one-quarter (NE 1/4) of Section 17, Township 49 South, Range 42 East; thence northerly along said west boundary to the northwest corner thereof; thence easterly along the north boundary thereof to the west boundary of the East one-half (E 1/2) of the East one-half (E 1/2) of the Northeast one-quarter (NE 1/4) of the Northeast

one-quarter (NE 1/4) of Section 17, Township 49 South, Range 42 East; thence northerly along said west boundary to the south boundary of the North one-half (N 1/2) of the North one-half (N 1/2) of the Northeast one-quarter (NE 1/4) of Section 17, Township 49 South, Range 42 East; thence westerly along said south boundary and the centerline of Orange Street in the plat "LITTLE FARMS" (Plat Book 27, Page 29, Broward County Records) to the southerly extension of the west boundary of Lot 11 of said plat; thence northerly along said extension and west boundary to the south boundary of Section 8, Township 49 South, Range 42 East; thence westerly along said south boundary to an intersection with the northerly right-of-way line of Prospect Field Road; thence continue westerly along said right-of-way line to the northerly extension of the east boundary of the West two hundred sixty-four (264) feet of the North one-half (N 1/2) of the North one-half (N 1/2) of the Northwest one-quarter (NW 1/4) of the Northwest one-quarter (NW 1/4) of Section 17, Township 49 South, Range 42 East; thence southerly along said extension and said east boundary to the southeast corner thereof; thence westerly along the south boundary thereof to the east boundary of Section 18, Township 49 South, Range 42 East; thence southerly along said east boundary to the northwest corner of the North one-half (N 1/2) of the Southwest one-quarter (SW 1/4) of the Northwest one-quarter (NW 1/4) of Section 17, Township 49 South, Range 42 East; thence easterly along the north boundary thereof to the northeast corner thereof; thence southerly along the east boundary thereof to the northwest corner of the Southwest one-quarter (SW 1/4) of the Southeast one-quarter (SE 1/4) of the Northwest one-quarter (NW 1/4) of Section 17, Township 49 South, Range 42 East; thence easterly along the north boundary thereof to the northeast corner thereof; thence southerly along the east boundary thereof to the northwest corner of the South three-quarters (S 3/4) of the Southeast one-quarter (SE 1/4) of the Southeast one-quarter (SE 1/4) of the Northwest one-quarter (NW 1/4) of Section 17, Township 49 South, Range 42 East; thence easterly along the north boundary thereof and along the north boundary of the South three-quarters (S 3/4) of the Southwest one-quarter (SW 1/4) of the Southwest one-quarter (SW 1/4) of the Northeast one-quarter (NE 1/4) of Section 17, Township 49 South, Range 42 East to the northeast corner thereof; thence southerly along the east boundary thereof to the north right-of-way line of West Commercial Boulevard; thence westerly along said north right-of-way line to a line fifty-three (53) feet west of and parallel to the east boundary of the Southeast one-quarter (SE 1/4) of Section 18, Township 49 South, Range 42 East; thence northerly along said parallel line to a line two hundred (200) feet north of and parallel to the north right-of-way line of West Commercial Boulevard; thence westerly along said parallel line to a line two hundred fifty-three (253) feet west of and parallel to the east boundary of the southeast one-quarter (SE 1/4) of Section 18, Township 49 South, Range 42 East; thence southerly along said parallel line to the north right-of-way line of West Commercial Boulevard; thence westerly along said north right-of-way line to the west boundary of the East one-half (E 1/2) of Section 18, Township 49 South, Range 42 East; thence northerly along said west boundary to the southeast corner of the North three-quarters (N 3/4) of the East one-half (E 1/2) of the Northwest one-quarter (NW 1/4) of Section 18, Township 49 South, Range 42 East; thence westerly along the south boundary thereof to the southwest corner thereof; thence southerly along the east boundary of the West one-half (W 1/2) of the Northwest one-quarter (NW 1/4) of Section 18, Township 49 South, Range 42 East to the southeast corner thereof; thence

westerly along the south boundary thereof to the east right-of-way line of U. S. Highway No. 441 (State Road No. 7); thence northerly along said east right-of-way line to the north boundary of the South six hundred sixty (660) feet of the West one-half (W 1/2) of the Northwest one-quarter (NW 1/4) of Section 18, Township 49 South, Range 42 East; thence easterly along said north boundary to a point ten (10.00) feet west of the northeast corner thereof; thence northerly and parallel to the west boundary of the East one-half (E 1/2) of the Northwest one-quarter (NW 1/4) of Section 18, Township 49 South, Range 42 East thirty-three and thirty-three hundredths (33.33) feet; thence easterly and parallel to the north boundary of the South six hundred sixty (660) feet of the West one-half (W 1/2) of the Northwest one-quarter (NW 1/4) of Section 18, Township 49 South, Range 42 East to the west boundary of the North three-quarters (N 3/4) of the East one-half (E 1/2) of the Northwest one-quarter (NW 1/4) of Section 18, Township 49 South, Range 42 East; thence northerly along said west boundary and the northerly extension thereof to the south boundary of Tract 9 of Block 96 in "The Palm Beach Farms Co. Plat No. 3," as recorded in Plat Book 2, Pages 45 to 54 inclusive, of the Public Records of Palm Beach County, Florida; thence go westerly along the south boundary of Tract 9 and along the south boundary of Tract 10 in said Block 96, to a point two hundred forty-nine (249) feet east of the southwest corner of Tract 10; thence northerly and parallel to the west boundary of Tract 10 three hundred fifty (350) feet; thence westerly and parallel to the south boundary of Tract 10 two hundred forty-nine (249) feet to the west boundary of Tract 10; thence northerly along said west boundary and along the west boundary of Tract 7 in Block 96 to a point eighty-three and eighty-two hundredths (83.82) feet north of the southwest corner of said Tract 7; thence northeasterly at an angle to the right of thirty-seven (37) degrees, twenty (20) minutes, thirty-one (31) seconds along the southeasterly boundary of a tract conveyed to the Florida State Turnpike Authority and recorded in Official Records 623, Page 97, Broward County Records, a distance of one thousand sixty (1060) feet, more or less; thence at an angle to the right of sixty-three (63) degrees, nineteen (19) minutes, thirty-five (35) seconds a distance of six hundred fifty (650) feet, more or less, along the north boundary of an easement to the State Road Department to a point on the west boundary of Tract 8 in said Block 96, said point being five hundred seventy-five (575) feet south of the northwest corner thereof; thence northerly to said northwest corner; thence easterly along the north boundary of Tract 8 to the northeast corner thereof; thence southerly along the east boundary thereof to a line fifty-three (53) feet (as measured at right angles) south of and parallel to the north boundary of the Southeast one-quarter (SE 1/4) of Section 7, Township 49 South, Range 42 East, also being the south right-of-way line of N.W. 62nd Street; thence easterly along said parallel line to a line fifty-three (53) feet (as measured at right angles) west of and parallel to the east boundary of the Southeast one-quarter (SE 1/4) of Section 7, Township 49 South, Range 42 East; thence southerly along said parallel line to the north boundary of the South three hundred thirty (330) feet of the North five hundred thirty (530) feet of the Northeast one-quarter (NE 1/4) of the Northeast one-quarter (NE 1/4) of the Southeast one-quarter (SE 1/4) of Section 7, Township 49 South, Range 42 East; thence easterly along said north boundary to a line thirty-three (33) feet (as measured at right angles) west of and parallel to the east boundary thereof; thence southerly along said parallel line to the south boundary thereof; thence westerly along said south boundary to a line fifty-three (53) feet (as measured at right angles) west of and parallel to the east

boundary of the Southeast one-quarter (SE 1/4) of Section 7, Township 49 South, Range 42 East, also being the west right-of-way of N.W. 31st Avenue; thence southerly along said parallel line to the south boundary of the North three-quarters (N 3/4) of the Southeast one-quarter (SE 1/4) of Section 7, Township 49 South, Range 42 East; thence easterly along said south boundary and the south boundary of the North three-quarters (N 3/4) of the Southwest one-quarter (SW 1/4) of Section 8, Township 49 South, Range 42 East, to a line fifty-three (53) feet (as measured at right angles) east of and parallel to the west boundary thereof, also being the east right-of-way line of N.W. 31st Avenue; thence northerly along said parallel line to a line fifty (50) feet (as measured at right angles) south of and parallel to the north boundary of the West one-half (W 1/2) of the Southwest one-quarter (SW 1/4) of Section 8, Township 49 South, Range 42 East, also being the south right-of-way of N.W. 62nd Street; thence easterly along said parallel line to the west boundary of the Northeast one-quarter (NE 1/4) of the Southwest one-quarter (SW 1/4) of Section 8, Township 49 South, Range 42 East; thence northerly along said west boundary to the northwest corner thereof; thence easterly along the north boundary thereof to the northeast corner thereof; thence northerly along the east boundary of the Northwest one-quarter (NW 1/4) of Section 8, Township 49 South, Range 42 East to a line fifty (50) feet (as measured at right angles) north of and parallel to the south boundary thereof, also being the north right-of-way of N.W. 62nd Street; thence westerly along said parallel line to a line fifty-three (53) feet (as measured at right angles) east of and parallel to the west boundary of the Northwest one-quarter (NW 1/4) of Section 8, Township 49 South, Range 42 East, also being the east right-of-way of N.W. 31st Avenue; thence northerly along said parallel line to the south boundary of the North one thousand nine and forty-eight hundredths (1009.48) feet of the Northwest one-quarter (NW 1/4) of Section 8, Township 49 South, Range 42 East; thence easterly along said south boundary to a line three hundred twenty-eight (328) feet (as measured at right angles) east of and parallel to the west boundary of the Northwest one-quarter (NW 1/4) of Section 8, Township 49 South, Range 42 East; thence southerly along said parallel line three hundred seventy-eight and thirty-one hundredths (378.31) feet to an intersection with the easterly projection of the south boundary of Lot 4, Block 7 of the plat "Palm Aire Village 2nd Section Add'n 1" (Plat Book 73, Page 15, Broward County Records); thence easterly along said easterly projection one hundred twenty-five (125) feet to a line four hundred fifty-three (453) feet (as measured at right angles) east of and parallel to the west boundary of the Northwest one-quarter (NW 1/4) of Section 8, Township 49 South, Range 42 East; thence northerly along said parallel line three hundred seventeen and twenty-eight hundredths (317.28) feet to the south boundary of the North one thousand sixty-nine and forty-eight hundredths (1069.48) feet of the Northwest one-quarter (NW 1/4) of Section 8, Township 49 South, Range 42 East; thence westerly along said south boundary to a line three hundred twenty-eight (328) feet east of and parallel to the west boundary of the Northwest one-quarter (NW 1/4) of Section 8, Township 49 South, Range 42 East; thence northerly along said parallel line to the south boundary of the South six hundred ninety (690) feet of the North one thousand nine and forty-eight hundredths (1009.48) feet of the West four hundred fifty-three (453) feet of the Northwest one-quarter (NW 1/4) of Section 8, Township 49 South, Range 42 East; thence easterly along said south boundary to the southeast corner thereof; thence northerly along the east boundary thereof to the northeast corner thereof; thence westerly along the north

boundary thereof to a line fifty-three (53) feet (as measured at right angles) east of and parallel to the west boundary of the Northwest one-quarter (NW 1/4) of Section 8, Township 49 South, Range 42 East, also being the east right-of-way of N.W. 31st Avenue; thence northerly along said parallel line to a point of curvature of a circular arc, having a radius of twenty-five (25) feet, said point of curvature being twenty-five (25) feet more or less north of the south boundary of the South one hundred twenty-five (125) feet of the North two hundred fifty-nine and forty-eight hundredths (259.48) feet of the East one hundred eighty-six (186) feet of the West two hundred thirty-nine (239) feet of the Northwest one-quarter (NW 1/4) of Section 8, Township 49 South, Range 42 East; thence southerly and easterly along said arc to a point of tangency on said south boundary; thence easterly along said south boundary to the southeast corner thereof; thence northerly along the east boundary thereof to the Northeast corner thereof; thence westerly along the north boundary thereof to a line fifty-three (53) feet (as measured at right angles) east of and parallel to the west boundary of Section 8, Township 49 South, Range 42 East, also being the east right-of-way of N.W. 31st Avenue; thence northerly along said parallel line one hundred thirty-four and forty-eight hundredths (134.48) feet to the north boundary of Section 8, Township 49 South, Range 42 East; thence easterly along said north boundary three hundred ninety-seven (397) feet to a point of curvature of a curve to the right, having a radius of fifteen hundred (1500) feet and a central angle of twenty-one (21) degrees, nine (9) minutes, forty-nine (49) seconds; thence easterly and southeasterly along the arc of said curve to the right five hundred fifty-four and six hundredths (554.06) feet to a point of tangency; thence southeasterly along the tangent extended one hundred four and thirty-two hundredths (104.32) feet to a point of curvature of a curve to the left, having a radius of fifteen hundred (1500) feet and a central angle of twenty-one (21) degrees, nine (9) minutes, forty-nine (49) seconds; thence southeasterly and easterly along the arc of said curve five hundred fifty-four and six hundredths (554.06) feet to a point of tangency on a line two hundred forty (240) feet (as measured at right angles) south of and parallel to the north boundary of the Northwest one-quarter (NW 1/4) of Section 8, Township 49 South, Range 42 East; thence easterly along said parallel line one thousand thirty-four and eighteen hundredths (1034.18) feet to a line two hundred forty (240) feet (as measured at right angles) south of and parallel to the north boundary of the Northeast one-quarter (NE 1/4) of Section 8, Township 49 South, Range 42 East; thence continue easterly along said parallel line one thousand forty-three and seventy-seven hundredths (1043.77) feet to a point of curvature of a curve to the left, having a radius of fifteen hundred (1500) feet and a central angle of twenty-one (21) degrees, nine (9) minutes, forty-nine (49) seconds; thence easterly and northeasterly along the arc of said curve to the left five hundred fifty-four and six hundredths (554.06) feet to a point of tangency; thence northeasterly along the tangent extended one hundred four and thirty-two hundredths (104.32) feet to a point of curvature of a curve to the right, having a radius of fifteen hundred (1500) feet and a central angle of twenty-one (21) degrees, nine (9) minutes, forty-nine (49) seconds; thence northeasterly and easterly along the arc of said curve five hundred fifty-four and six hundredths (554.06) feet to a point of tangency on the north boundary of the Northeast one-quarter (NE 1/4) of the Northeast one-quarter (NE 1/4) of Section 8, Township 49 South, Range 42 East; thence easterly along said north boundary to the northeast corner thereof; thence southerly fifty-five and two hundredths (55.02) feet along the east boundary thereof to the westerly

extension of the south right-of-way line of McNab Road; thence east along said westerly extension and along the south right-of-way line of McNab Road to the east right-of-way of the Seaboard System Railroad; thence southerly along said east right-of-way to the north boundary of the South one-half (S 1/2) of the Southeast one-quarter (SE 1/4) of the Northeast one-quarter (NE 1/4) of the Northwest one-quarter (NW 1/4) of Section 10, Township 49 South, Range 42 East; thence easterly along said north boundary and along the south right-of-way line of N.E. 66th Street to the northwest corner of Parcel "D" of the plat "NORTH COLLIER ESTATES" (Plat Book 53, Page 33, Broward County Records); thence southerly along the southerly right-of-way line of N.E. 66th Street and northerly boundary of said Parcel "D" one hundred thirty-nine and twenty-four hundredths (139.24) feet to intersect the west right-of-way line of North Andrews Avenue Extension; thence northerly along said west right-of-way line to the centerline of Canal C-14 (Cypress Creek Canal); thence southerly along said centerline to the east boundary of Section 10, Township 49 South, Range 42 East; thence southerly along said east boundary to the west limited access right-of-way line of Interstate ninety-five (I-95); thence southerly, westerly, southerly, westerly and southerly along said limited access right-of-way line to the north right-of-way line of the now vacated N.E. 1st Way lying between Parcel "G" and Parcel "H" of the plat "PINE CREST ISLES" (Plat Book 63, Page 48, Broward County Records); thence continue southerly along said limited access right-of-way line on an assumed bearing of south forty-four (44) degrees, forty-nine (49) minutes, thirty-two (32) seconds west to a point sixteen and twenty-five hundredths (16.25) feet north forty-four (44) degrees, forty-nine (49) minutes, thirty-two (32) seconds east from the south right-of-way line of said vacated N.E. 1st Way; thence fifty-six and thirty-nine hundredths (56.39) feet north forty-five (45) degrees, ten (10) minutes, twenty-eight (28) seconds west; thence eighty-two (82) feet south eighty-nine (89) degrees, forty-seven (47) minutes, thirty (30) seconds west; thence forty and fifty hundredths (40.50) feet north zero (0) degrees, twelve (12) minutes, thirty (30) seconds west; thence thirteen and fifty hundredths (13.50) feet south eighty-nine (89) degrees, forty-seven (47) minutes, thirty (30) seconds west; thence twenty-six (26) feet north zero (0) degrees, twelve (12) minutes, thirty (30) seconds west; thence thirteen and fifty hundredths (13.50) feet north eighty-nine (89) degrees, forty-seven (47) minutes, thirty (30) seconds east; thence forty and fifty hundredths (40.50) feet north zero (0) degrees, twelve (12) minutes, thirty (30) seconds west; thence eighty-two (82) feet north eighty-nine (89) degrees, forty-seven (47) minutes, thirty (30) seconds east; thence one hundred seven (107) feet south zero (0) degrees, twelve (12) minutes, thirty (30) seconds east; thence fifty-six and thirty-nine hundredths (56.39) feet south forty-five (45) degrees, ten (10) minutes, twenty-eight (28) seconds east to the west limited access right-of-way line of Interstate ninety-five (I-95); thence southerly along said west limited access right-of-way line to the east right-of-way line of North Andrews Avenue Extension; thence northerly along said east right-of-way line to an intersection with the easterly projection of the south boundary of Parcel "A" of the plat "STEAK & ALE OF FLA." (Plat Book 96, Page 16, Broward County Records); thence westerly along said easterly projection and along said south boundary to the east right-of-way line of North Andrews Avenue Realignment; thence southerly along said east right-of-way line to the north right-of-way line of N.W. 62nd Street; thence westerly along said north right-of-way line to the west boundary of the Southeast one-quarter (SE 1/4) of the Southeast one-quarter (SE 1/4) of

the Northwest one-quarter (NW 1/4) of Section 10, Township 49 South, Range 42 East; thence northerly along said west boundary to the east right-of-way line of Seaboard Systems Railroad; thence southerly along said east right-of-way line to the north boundary of the Southeast one-quarter (SE 1/4) of the Southeast one-quarter (SE 1/4) of Section 10, Township 49 South, Range 42 East; thence easterly along said north boundary to the West Limited Access right-of-way line of Interstate ninety-five (I-95); thence southerly along said West Limited Access right-of-way line to the south right-of-way line of N.W. 56th Street (abandoned); thence westerly along said south right-of-way line to the east right-of-way line of Seaboard System Railroad; thence southerly along said east right-of-way line to the easterly extension of the south limited access right-of-way of West Commercial Boulevard and Interstate ninety-five (I-95) interchange; thence westerly along said easterly extension and along said south limited access right-of-way to the northeast corner of parcel "A" of the plat "SHELL AT I-95 AND COMMERCIAL BOULEVARD"; (Plat Book 87, Page 25, Broward County Records); thence continue westerly, southwesterly and southerly along the north, northwest and west boundaries of said Parcel "A" to the easterly extension of the south boundary of Lot 2, Block 2 of the plat "TWIN LAKES" (Plat Book 29, Page 23, Broward County Records); thence westerly along said easterly extension and along the south boundary of Lot 2, Block 2 of said "TWIN LAKES" to the northeast corner of Lot 5, Block 2 of said "TWIN LAKES"; thence south along the east boundary to the southeast corner thereof; thence west along the south boundary of Lots 5, 6, and 7, Block 2 of said "TWIN LAKES" to the southwest corner of said Lot 7; thence north along the west boundary of said Lot 7 to the southeast corner of Lot 9, Block 2 of said "TWIN LAKES"; thence west along the south boundary of said Lot 9 to the southwest corner thereof; thence north along the west boundary of said Lot 9 to the easterly extension of the south boundary of the North one hundred twenty (120) feet of Lot 1, Block 1 of said "TWIN LAKES"; thence westerly along said easterly extension and along the south boundary of the North one hundred twenty (120) feet of Lots 1, 2, 3 and the East fifteen (15) feet of Lot 4, Block 1 of said "TWIN LAKES"; thence continue westerly along the south boundary of Lots 11, 12, and 13, Block 1 of the plat "STADIUM PARK" (Plat Book 53, Page 9, Broward County Records) to the southwest corner of said Lot 13; thence southerly along the west boundary of Block 1 of said "STADIUM PARK" to the south boundary of the Northwest one-quarter (NW 1/4) of the Northeast one-quarter (NE 1/4) of the Southeast one-quarter (SE 1/4) of Section 16, Township 49 South, Range 42 East; thence westerly along said south boundary to the east boundary of the Northwest one-quarter (NW 1/4) of the Southeast one-quarter (SE 1/4) of said Section 16, Township 49 South, Range 42 East; thence southerly along said east boundary to the point of beginning;

And lands known as "Fiveash Water Plant Area" lying within the following boundaries:

Begin at a point fifty (50) feet south of and thirty-three (33) feet west of the northeast corner of Section 21, Township 49 South, Range 42 East; thence go southerly and parallel to the east boundary thereof one thousand six hundred seventeen (1617) feet more or less to the south boundary of the North one-half (N 1/2) of the North one-half (N 1/2) of the Southeast one-quarter (SE 1/4) of the Northeast one-quarter (NE 1/4) of Section 21, Township 49 South, Range 42 East; thence westerly along said boundary

seven hundred forty-six (746) feet more or less to the east right-of-way line of the Seaboard System Railroad; thence northeasterly along said east right-of-way line one thousand seven hundred sixty-five (1765) feet more or less to a line fifty (50) feet south of and parallel to the north boundary of Section 21, Township 49 South, Range 42 East; thence easterly along said parallel line forty (40) feet more or less to the point of beginning; LESS five (5) acres more or less reserved for the proposed extension of State Road No. 9 according to plans prepared by the State Road Department of the State of Florida and LESS any and all right-of-way of Interstate ninety-five (I-95);

TOGETHER WITH lands lying within the following boundaries: Begin at the intersection of the east right-of-way line of the Seaboard System Railroad and the north boundary of the South one-half (S 1/2) of the North one-half (N 1/2) of the Southeast one-quarter (SE 1/4) of the Northeast one-quarter (NE 1/4) of Section 21, Township 49 South, Range 42 East; thence go easterly along said north boundary four hundred thirty-six and sixty-four hundredths (436.64) feet to a line four hundred (400) feet from and parallel to said east right-of-way line; thence southeasterly along said parallel line five hundred twenty-three and fourteen hundredths (523.14) feet; thence northwesterly and normal to said parallel line four hundred (400) feet to the aforementioned right-of-way line; thence northeasterly along said east right-of-way line three hundred forty-eight and six hundredths (348.06) feet to the point of beginning; LESS any and all right-of-way of Interstate ninety-five (I-95);

TOGETHER WITH lands lying within the following boundaries: Begin at the intersection of the east right-of-way line of the Seaboard System Railroad and the easterly extension of the south boundary of the North one hundred fifty-six (156) feet of Block 27A of the plat of "TWIN LAKES SECTION 2" (Plat Book 20, Page 1, Broward County Records); thence westerly along said easterly extension and said south boundary to the east right-of-way line of N.E. 10th Avenue; thence northerly along said east right-of-way line to the northwest corner of the South one hundred forty-four (144) feet of Block 27 of said "TWIN LAKES SECTION 2"; thence easterly along the north boundary of said one hundred forty-four (144) feet of Block 27 and the easterly extension thereof to the east right-of-way line of the Seaboard System Railroad; thence southerly along said east right-of-way line to the point of beginning.

Sec. 2.02. Greater Fort Lauderdale Area, West.

(a) Certain areas adjacent on the west to the corporate limits of City of Fort Lauderdale are designated as the "Greater Fort Lauderdale Area, West," to be eventually integrated into City of Fort Lauderdale in the manner hereinafter set out, such "Greater Fort Lauderdale Area, West" lying within the following described boundaries, to-wit:

PARCEL A

Begin at a point on the west boundary of Section 5, Township 50 South, Range 42 East, said point of beginning being fifty (50) feet north of the southwest corner thereof; thence go westerly to the west right-of-way line of N.W. 31st Avenue; thence northerly along said west right-of-way line to the south boundary of the North one-half (N 1/2) of the North one-half (N 1/2) of the Southeast one-quarter (SE 1/4) of Section 31, Township 49

South, Range 42 East; thence easterly along said south boundary and along the south boundary of the North one-half (N 1/2) of the Northwest one-quarter (NW 1/4) of the Southwest one-quarter (SW 1/4) of Section 32, Township 49 South, Range 42 East to the east boundary of the West one-half (W 1/2) of the West one-half (W 1/2) of Section 32, Township 49 South, Range 42 East; thence northerly along said east boundary to the south boundary of the Northwest one-quarter (NW 1/4) of the Southeast one-quarter (SE 1/4) of the Northwest one-quarter (NW 1/4) of Section 32, Township 49 South, Range 42 East; thence easterly along said south boundary to the east boundary of the West one-half (W 1/2) of the East one-half (E 1/2) of the Northwest one-quarter (NW 1/4) of Section 32, Township 49 South, Range 42 East; thence northerly along said east boundary to the southwest corner of the plat "LAKE AIRE ESTATES" (Plat Book 54, Page 15, Broward County Records); thence easterly along the south boundary of said "LAKE AIRE ESTATES" and along the south boundary of the plat "LAUDERDALE MANOR HOMESITES" (Plat Book 34, Page 21, Broward County Records) to the west boundary of the East one-half (E 1/2) of the East one-half (E 1/2) of Section 32, Township 49 South, Range 42 East; thence southerly along said west boundary to the south boundary of the North three-quarters (N 3/4) of the North one-half (N 1/2) of the Southeast one-quarter (SE 1/4) of Section 32, Township 49 South, Range 42 East; thence westerly along said south boundary to intersect the southerly extension of the west right-of-way line of N.W. 24th Terrace; thence northerly along said southerly extension and said west right-of-way line to the northeast corner of Lot 1 of Block 43 of the plat "WASHINGTON PARK 4TH ADDITION" (Plat Book 22, Page 44, Broward County Records) and the south right-of-way line of N.W. 13th Court; thence westerly along said south right-of-way line to the northwest corner of Lot 6 in said Block 43; thence southerly along the west boundary of said Lot 6 to the southwest corner thereof; thence westerly along the north boundary of Lots 44, 43, 42, and 41 in said Block 43 to the northwest corner of said Lot 41; thence southerly along the west boundary of said Lot 41 and along the southerly extension of said west boundary and along the west boundary of Lots 10 and 41 of Block 42 in said "WASHINGTON PARK 4TH ADDITION" to the southwest corner of said Lot 41 and the north right-of-way line of N.W. 12th Court; thence easterly along said north right-of-way line to intersect a line nineteen (19) feet east of and parallel to the west boundary of the East one-half (E 1/2) of the Northwest one-quarter (NW 1/4) of the Southeast one-quarter (SE 1/4) of Section 32, Township 49 South, Range 42 East; thence southerly along said parallel line to intersect the easterly extension of the north boundary of the South one-half (S 1/2) of Block 1 of the plat "NEW TOWN" (Plat Book 23, Page 9, Broward County Records); thence westerly along said easterly extension and along said north boundary to the northwest corner of Lot 18 of said Block 1 and the east right-of-way line of N.W. 27th Avenue; thence southerly along said east right-of-way line to a point of curvature of a curve to the left twenty-five and nine hundredths (25.09) feet north of the southwest corner of Block 3 in said "NEW TOWN"; thence along the arc of said curve to the north right-of-way line of N.W. 11th Court; thence along said north right-of-way line and the easterly extension thereof to intersect a line nineteen (19) feet east of and parallel to the west boundary of the East one-half (E 1/2) of the Southwest one-quarter (SW 1/4) of the Southeast one-quarter (SE 1/4) of Section 32, Township 49 South, Range 42 East; thence southerly along said parallel line to the north boundary of the South one-half (S 1/2) of the Southwest one-quarter (SW 1/4) of the Southeast one-

quarter (SE 1/4) of Section 32, Township 49 South, Range 42 East; thence westerly along said north boundary to a line one hundred seventy-five (175) feet east of and parallel to the west boundary of the Southeast one-quarter (SE 1/4) of Section 32, Township 49 South, Range 42 East; thence southerly along said parallel line to a line two hundred (200) feet north of and parallel to the south boundary of Section 32, Township 49 South, Range 42 East; thence easterly along said parallel line to the west boundary of the East one-half (E 1/2) of the East one-half (E 1/2) of Section 32, Township 49 South, Range 42 East; thence southerly along said west boundary and along the west boundary of the East one-half (E 1/2) of the East one-half (E 1/2) of Section 5, Township 50 South, Range 42 East to the north boundary of the plat "THE R.E.B. PLAT" (Plat Book 74, Page 43, Broward County Records); thence westerly along said north boundary to the northwest corner of said "THE R.E.B. PLAT" and the easterly right-of-way line of N.W. 25th Avenue; thence southeasterly along said easterly right-of-way line to the southwest corner of said "THE R.E.B. PLAT"; thence easterly along the south boundary of said "THE R.E.B. PLAT" to intersect the west boundary of the East one-half (E 1/2) of the East one-half (E 1/2) of Section 5, Township 50 South, Range 42 East; thence southerly along said west boundary to the north right-of-way line of West Broward Boulevard; thence westerly along said north right-of-way line to the point of beginning.

PARCEL B

Begin at the intersection of the south right-of-way line of Riverland Road and the southerly extension of the east right-of-way line of S.W. 35th Avenue; thence go northerly along said extension and said east right-of-way line to the south boundary of the North one-half (N 1/2) of the South one-half (S 1/2) of the Northeast one-quarter (NE 1/4) of Section 18, Township 50 South, Range 42 East; thence easterly along said south boundary to the east boundary of the West one-half (W 1/2) of the West one-half (W 1/2) of the Northeast one-quarter (NE 1/4) of Section 18, Township 50 South, Range 42 East; thence northerly along said east boundary to the south right-of-way line of S.W. 14th Street; thence easterly along said south right-of-way line to the northwest corner of Block 13, "CHULA VISTA 1st ADDITION" (Plat Book 23, Page 21, Broward County Records); thence southerly along the west boundary of said Block 13 and along the west boundaries of Block 15 and Lots 3, 5, 6 and 7 in Block 19 of said "CHULA VISTA 1st ADDITION" to the southwest corner of Lot 7; thence westerly to the west boundary of the canal lying in Blocks 18 and 19 of "CHULA VISTA 1st ADDITION REVISED" (Plat Book 30, Page 43, Broward County Records); thence southerly along said west boundary and its extension to the south boundary of the North one-half (N 1/2) of the South one-half (S 1/2) of Section 17, Township 50 South, Range 42 East; thence westerly along said south boundary to the east right-of-way line of S.W. 31st Avenue; thence southerly along said east right-of-way line to the easterly extension of the south right-of-way line of S.W. 23rd Street; thence westerly along said south right-of-way line to the east right-of-way line of S.W. 34th Avenue; thence southerly along said east right-of-way line and its southerly extension to the south right-of-way line of Riverland Road; thence westerly along said south right-of-way line of Riverland Road to the point of beginning.

PARCEL C

Begin at the intersection of the west boundary of the East one-half (E 1/2) of the Southeast one-quarter (SE 1/4) of Section 17, Township 50 South, Range 42 East and the centerline of South Fork of New River; thence go southwesterly along the centerline of South Fork New River to its intersection with the centerline of North New River Canal; thence westerly along the centerline of North New River Canal to the east right-of-way line of U. S. Highway No. 441 (State Road No. 7); thence northerly along said east right-of-way line to the south right-of-way line of Riverland Road; thence easterly along said south right-of-way line to the southerly extension of the east right-of-way line of that portion of S.W. 34th Avenue lying in Section 18, Township 50 South, Range 42 East; thence northerly along said extension and said east right-of-way line to the south right-of-way line of S.W. 23rd Street; thence easterly along said south right-of-way line and its easterly extension to the east right-of-way line of S.W. 31st Avenue; thence northerly along said east right-of-way line to the north boundary of the South one-half (S 1/2) of the South one-half (S 1/2) of Section 17, Township 50 South, Range 42 East; thence easterly along said north boundary to the west boundary of the East one-half (E 1/2) of the Southeast one-quarter (SE 1/4) of said Section 17, Township 50 South, Range 42 East; thence southerly along said east boundary to the centerline of the South Fork of New River and the point of beginning.

(b) No taxes imposed by the City of Fort Lauderdale shall be levied against any part of the property described in subsection (a) hereof until said part is integrated into City of Fort Lauderdale as hereinafter provided; and no part of said property can be integrated into the city unless such part is contiguous to lands lying within the existing corporate limits at the time of integration.

(c) As each part of the property described in subsection (a) hereof is included within the corporate boundaries, such lands shall cease to be a part of the "Greater Fort Lauderdale Area, West" and shall be appropriately zoned or rezoned by City of Fort Lauderdale.

(d) Each part of the above designated land lying contiguous or adjacent to any of the boundaries of said City of Fort Lauderdale, as it now exists or may hereafter exist, may be integrated into and be made a part of the said City of Fort Lauderdale, in the manner provided in this section. When so integrated into, and made a part of, said city, such territory shall be subject to the jurisdiction, obligation, benefits, and privileges of the said City of Fort Lauderdale, except as herein otherwise provided, the same as the area now constituting the said City of Fort Lauderdale.

ARTICLE III. GOVERNMENT OF CITY AND FORM OF GOVERNMENT

Sec. 3.01. Commissioner-manager plan.

The form of government of City of Fort Lauderdale, provided for under the charter, shall be known as the "commissioner-manager plan." The city manager shall be the administrative head of the city, answerable to the city commission.

Sec. 3.02. Creation, composition and term of commission.

There is hereby created a city commission composed of one (1) mayor-commissioner and four (4) city commissioners all of whom shall be elected in the manner provided in this charter, shall take office on the first Tuesday following their election, and who shall hold office for a term of three (3) years, or until their successors are elected and qualified. No person who has been elected to the office of mayor-commissioner or to the office of city commissioner for three (3) consecutive terms shall be qualified for nomination or election to that office for the succeeding term. This limitation shall apply to terms which commence after the regular election of March 7, 2000. The mayor-commissioner and the four (4) city commissioners are sometimes referred to herein as commissioners or the city commission.

(Ord. No. C-86-77, § 1, 9-16-86; Ord. No. C-98-47, § 1, 9-1-98/11-3-98)

Sec. 3.03. Qualification of members; forfeiture of office.

To be eligible to hold the office of mayor-commissioner of the City of Fort Lauderdale, or to qualify for nomination or election as such, the candidate shall have resided in the City of Fort Lauderdale for six (6) months immediately preceding the date of the election, shall continuously reside in the City of Fort Lauderdale, and shall be a resident of the State of Florida and a citizen of the United States of America; shall be duly qualified to vote at city, state and national elections; shall be over the age of twenty-one (21) years; shall be otherwise qualified as in this charter provided; shall hold no other public elective office; and shall not be an officer, employee or serving any capacity with the city government, except that a city commissioner serving may qualify for election to the office of mayor. Candidates for nomination or election as mayor-commissioner shall comply with all the rules and regulations set out in the charter as to their conduct. Any candidate for mayor-commissioner or any mayor-commissioner who shall cease to possess the qualifications required herein shall forthwith forfeit his office.

To be eligible to hold the office of city commissioner of the City of Fort Lauderdale, or to qualify for nomination or election as such, the candidate shall have resided in the City of Fort Lauderdale for six (6) months immediately preceding the date of the election, and shall reside in the commission district from which he seeks election on the day he qualifies as a candidate for that office, shall continuously reside in that district and shall be a resident of the State of Florida, and a citizen of the United States of America; shall be duly qualified to vote at city, state and national elections; shall be over the age of twenty-one (21) years; and shall be otherwise qualified as in this charter provided; shall hold no other public elective office; and shall not be an officer, employee or serving in any capacity with the city government, except that a city commissioner serving may

qualify for reelection. Candidates for nomination or election for the office of city commissioner shall comply with all the rules and regulations set out in the charter as to their conduct. Any candidate for city commission or any city commissioner who shall cease to possess the qualifications required herein shall forthwith forfeit his office or candidacy.

(Ord. No. C-86-77, § 2, 9-16-86)

Sec. 3.04. Judge of elections and qualifications of members.

The city commission shall be the judge of all municipal elections and referendums and of the qualifications of its members, subject to review by the courts. At the time that the city commission meets to canvass the results of any election, any registered elector of City of Fort Lauderdale shall be entitled to file with the city commission an affidavit setting out the facts showing that a candidate has violated the provisions of this charter as to the manner of his election, or is otherwise unqualified to hold office, and the city commission shall take proof at such meeting and declare the results.

Sec. 3.05. Designation of vice-mayor.

(a) At its first meeting after the regular triennial election of 1988, the city commission shall, by resolution, designate a district commissioner as vice-mayor. The vice-mayor selected in 1988 shall serve until the first city commission meeting to be held in April 1989 and at that meeting and at the first meeting in April for every year thereafter the city commission shall by resolution designate a district commissioner as vice-mayor. Should a commissioner decline or be otherwise disqualified from serving in the office of vice-mayor, then and in that event, another district commissioner shall be designated by resolution to serve in such office.

(b) The vice-mayor shall preside at any meeting of the city commission from which the mayor is absent and shall perform those functions and duties set forth in section 4.04 hereof. Should the mayor resign from office or be otherwise unable to continue to serve as mayor, the vice-mayor shall serve as mayor until the vacancy in the office of mayor shall be filled as provided herein.

(Ord. No. C-86-77, § 3, 9-16-86)

Sec. 3.06. Powers vested in commission; limitations.

The legislative powers of the city shall be vested in and exercised by the city commission, and the commission shall have the power to pass ordinances, adopt resolutions, appoint by resolution all appointive officers, boards and those employees specified in this charter as being appointed by the city commission, and exercise all other powers herein provided. All powers of the City of Fort Lauderdale, except as otherwise provided by this charter or by the Constitution of the State of Florida, are hereby vested in the city commission; and except as otherwise provided by this charter or by the Constitution of the State of Florida, the city commission may by ordinance or resolution prescribe the manner in which any powers of the city shall be exercised.

Sec. 3.07. Not to direct appointment of employees.

Neither the city commission nor any of its members shall direct the appointment of any person to office or employment by the city manager, or in any manner prevent the city manager from using his own judgment in selecting those officers or employees which he is entitled to appoint or select under provisions of this charter, and the civil service system rules and regulations. Except for the purpose of inquiry, the commission and its members shall deal with the administrative service solely through the city manager, and neither the commission nor any member thereof shall give orders to any subordinates of the city manager, either publicly or privately. Nothing herein contained shall restrict the power of the commission at regular or special meetings by formal motion, resolution or ordinance to establish policies and require compliance therewith by all personnel in the service of the city.

(Ord. No. C-85-40, § 1, 5-7-85)

Sec. 3.08. Forfeiture of office.

Absence by any commissioner from four (4) consecutive regular meetings of the city commission shall operate to vacate the seat of such member, unless such absence is excused by the city commission, by formal action duly entered upon the minutes. Any member of the city commission who shall, while in office, be convicted of a felony, shall thereupon forfeit his office, notwithstanding any appeal or right of appeal he may take or have subsequent to such conviction. Any member of the city commission who shall violate the provisions of article VI, section 6.06 of this charter shall forfeit his office.

Sec. 3.09. Organization meeting.

On the first Tuesday following each regular election the existing city commission shall meet at the usual place for holding the meetings of the legislative body of the city, for the purpose of transacting any and all necessary business before assumption of office by the newly elected commissioners. At 11:00 a.m. Eastern Standard Time the newly elected city commissioners shall assume the duties of office.

Sec. 3.10. Special meeting to seat a new member.

On the first Tuesday following the election of a new member, elected at other than a triennial regular election, the commission shall meet to receive such new member.

Sec. 3.11. Regular meetings.

The city commission shall meet regularly at such times as may be specified by ordinance; provided, however, that it shall meet regularly not less than twice each month except that meetings may be eliminated for one (1) month each year to provide for vacations.

Sec. 3.12. Special meetings--How called.

The mayor, any two (2) members of the city commission, or the city manager, may call special meetings of the city commission upon at least six (6) hours' written notice to each member, the city manager, city clerk, city attorney and chief of police, served personally or left at his usual place of residence. The call notice shall state the general purpose of the meeting. The regularity or validity of any proceedings, taken at any special meeting at

which a majority of members of the city commission and city clerk is present, or where written waiver of call and consent in writing is filed, shall not be questioned on account of any omission or irregularity in calling such special meeting.

Sec. 3.13. Meeting place; meetings to be public.

All regular meetings of the city commission shall be held at the usual place of holding meetings of the city commission; but a special meeting may be held elsewhere in the city under authority of a resolution previously adopted authorizing such meetings. Meetings of the city commission shall be public, and any citizen shall have access to the minutes and records thereof at all reasonable times and under the supervision of the city clerk. The commission shall prescribe its own rules, regulations and order of business, and shall keep minutes of its proceedings. The mayor shall maintain order at all meetings, and the police department, upon instructions of the mayor, shall expel any person from the meeting who refuses to obey the order of the mayor in relation to preserving order at the meetings. The commission may meet in conference session at a place other than the regular meeting place, but no official action shall be taken at such conference meeting.

Sec. 3.14. Quorum and vote.

A majority of all members of the city commission shall constitute a quorum, but a less number may adjourn from day to day and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance. The vote on any ordinance or resolution shall be taken by "yeas" and "nays" and the vote of each member of the city commission voting shall be entered on the official record of the meeting.

Sec. 3.15. Initiative; petition for proposed ordinance.

Any proposed ordinance, including ordinances for the repeal or amendment of the "Code of Ordinances of the City of Fort Lauderdale, Florida," then in effect, may be initiated, submitted and enacted in the following manner:

(a) A committee of not less than one thousand (1,000) electors of the city shall prepare and sign a petition addressed to the City Commission of the City of Fort Lauderdale requesting that a proposed ordinance attached to the petition be enacted. Each signer of the petition must be an elector of the city and shall sign his name in ink and shall indicate his place of residence and voting precinct. The petition shall have attached the certificate of the supervisor of elections indicating whether each of the signers is a qualified elector of the city. Thereafter, such signers shall be referred to as the committee, and one (1) member shall be designated therein as chairman of the committee. The committee shall have the right to request the city attorney, in writing, to assist in the drafting of such proposed ordinance in proper form, and such city attorney shall draft the proposed ordinance in proper form within thirty (30) days after being requested to do so by said committee in writing. He shall append to the drafted form of ordinance his opinion as to the legality of such proposed ordinance.

(b) Such signed petition and proposed ordinance and the opinion of the city attorney shall be presented by the committee to the city commission at a regular meeting, after

sixty (60) days prior notice to the city manager that such matter will be presented at such meeting. An opportunity shall be given for proponents and opponents of the proposed ordinance to be heard. At such meetings the city commission shall take definite action upon the ordinance by rejecting same, failing to take action upon same, passing same in prepared form upon first reading or passing same in amended form upon first reading. If passed on first reading in an amended form, the chairman of the committee shall state in open meeting whether the committee accepts or rejects the ordinance, as amended, and the decision of the chairman shall be binding upon the committee. If the committee accepts the amended ordinance, as aforesaid, or if the city commission accepts the proposed ordinance, same shall be placed upon its first reading at such meeting, upon the second reading at the next regular meeting. If the proposed ordinance is passed upon first reading, or if the proposed ordinance is amended and passed upon first reading, and such amended ordinance is accepted and approved by the chairman of the committee, it shall be the duty of the city commission to pass such ordinance, and to continue reading such ordinance upon progressive readings at each regular meeting of the city commission until such ordinance is duly enacted.

- (c) If the city commission should:
- (1) Reject the proposed ordinance; or
 - (2) Fail to take action upon said proposed ordinance; or
 - (3) Pass the ordinance in an amended form not acceptable to the committee;
- or
- (4) Fail to pass the proposed ordinance upon first and second reading; or
 - (5) Fail to pass an amended ordinance, acceptable to the committee, upon successive meetings; or
 - (6) Do any act to delay passage of such ordinance; the chairman of the committee shall have the right to demand in writing that an election upon the matter of enactment of the proposed ordinance, or amended ordinance which has been accepted or approved by the committee, be held in the manner provided in section 3.18 of this charter, and at such meetings at which such demand in writing is presented, the said city commission shall take action either calling such election or refusing to call such election, and the failure to call such election shall constitute a refusal.

Sec. 3.16. Circulating petition for an election.

After a demand for an election has been refused, as hereinbefore set out, the committee shall have the right to circulate petitions to obtain the signatures of registered electors of the city, equal in number to fifteen (15) percent of the qualified electors of the city, in order to compel the enactment of such ordinance or amended ordinance in the following manner:

- (a) Within ten (10) days after the demand for an election has been refused by the city commission, the clerk shall prepare a form of petition addressed to the city commission demanding that an election be called in the manner provided by section 3.18 of this charter in order that there may be submitted to the qualified electors of the city at such election the question of enactment by initiative proceedings of the proposed ordinance or

amended ordinance. Such petition shall clearly outline the action sought and shall contain a copy of the ordinance proposed for enactment by the committee and shall contain spaces for signatures for electors and a form of affidavit for circulators to sign. All petitions shall be uniform in character and shall contain the names of each of the members of the committee of the petitioners, and designate the chairman thereof.

(b) The chairman of the committee shall sign a receipt for the form of petition and shall return all signed petitions to the clerk within sixty (60) days from the date of said receipt.

(c) Each elector of the city signing a petition shall sign his name as registered in the office of supervisor of elections of Broward County, Florida, in ink or indelible pencil, shall specify his voting precinct and shall place on the petition opposite his name the date he signed the petition and his place of residence in the city. Each counterpart of the petition shall contain appropriate lines for signatures by electors and a form of affidavit to be executed by the circulator thereof, verifying the fact that such circulator saw each person sign the counterpart of the petition, and that each signature appearing thereon is the genuine signature of the person it purports to be, and that such petition was signed in the presence of the affiant on the date indicated.

(d) All counterparts of the petition shall be assembled and filed with the city clerk as one (1) instrument within sixty (60) days after receipt of such petition by the chairman, and when so filed, the clerk shall determine forthwith from the supervisor of elections if such petitions contain the signatures of electors constituting fifteen (15) percent in number of the registered electors of said city, and when such fact has been determined by report from the supervisor of elections, the city clerk shall submit such petitions and such affidavits to the city commission at its next regular meeting.

(e) Any elector signing such petition shall have the right to file with the city clerk a demand in writing that his name be deleted and stricken from the petition, and upon the filing of such demand the name of such elector shall be stricken by the clerk and not be counted or computed in the total of electors signing the petition. No signature may be stricken after the clerk has certified the total of registered electors to the commission.

Sec. 3.17. Commission required to take action.

If the certificate of the clerk, so submitted, shows that fifteen (15) percent of the registered electors of the city signed such petition and have not requested that their signatures be stricken or deleted, then it shall be the mandatory duty of the city commission at such meeting at which the clerk's certificate is presented to enact the ordinance in final form, or call an election for the purpose of submitting such proposed ordinance to the votes of the electorate.

Sec. 3.18. Time of holding election.

If an election is scheduled to be held not less than thirty (30) days and not more than sixty (60) days after such meeting, such proposed ordinance shall be submitted to a vote of the electors at such election. If no election is to be held within the time aforesaid, the city

commission shall provide for submitting the proposed ordinance to the electors at a special election to be held not later than sixty (60) days, nor earlier than thirty (30) days thereafter. At least ten (10) days before any such election the city clerk shall cause such proposed ordinance to be published, in one (1) issue of the official newspaper.

Sec. 3.19. Ballots.

Ballots to be used when voting upon any such proposed ordinance shall state the title of the ordinance to be voted on and below it the two (2) propositions "For the proposed Ordinance" and "Against the proposed Ordinance." If a majority of the electors voting on any such proposed ordinance shall vote in favor thereof, it shall thereupon become an ordinance of the city, and a part of the "Code of Ordinances of the City of Fort Lauderdale," upon canvass of such votes and proper certification.

Sec. 3.20. Referendum elections.

Any existing ordinance of the City of Fort Lauderdale, or any section or related sections of the "Code of Ordinances of the City of Fort Lauderdale," including ordinances approved by the electorate, may be repealed or amended, and any intended sale or lease of public property may be approved or rejected by a majority of the electors voting at a referendum election, when such matter is submitted to a referendum by the city commission, upon its own motion or as a result of initiative proceedings. In case of initiative proceedings, when the necessary requirements have been met, and proper petitions bearing the signatures of fifteen (15) percent of the registered electors have been filed, the city commission shall pass a resolution calling for a referendum election to be held under the same procedure as provided in section 3.18 and section 3.19 of this charter.

Sec. 3.21. Recall.

Any or all of the members of the city commission may be removed from office by the electors of the city in the manner provided for by general law.

Sec. 3.22. Offenses relating to petitions.

No person shall falsely impersonate another, or purposely write his name or residence falsely, in the signing of any petition for initiative, referendum or recall, or forge any name thereto, or sign any such paper with knowledge that he is not a qualified elector of the city. No person shall employ or pay another to accept employment or payment for circulating an initiative, referendum or recall petition. Any person violating any of the provisions of this section shall be deemed guilty of an offense and shall, upon conviction, be punished as provided by section 1-6 of the Code of Ordinances.

ARTICLE IV. EXECUTIVE OFFICERS

Sec. 4.01. Executive officers.

The mayor-commissioner, the city manager, the city clerk, the director of finance and the city attorney are recognized as executive officers of the city and shall severally perform on behalf of the city the following duties:

(a) The mayor-commissioner, the city manager, the director of finance and city clerk shall sign all bonds issued by the city.

(b) All contracts, agreements, leases or other instruments to which the city is a party and under which the city assumes any liability, shall be executed in the name of the city by the mayor-commissioner and city manager, attested by the city clerk, and the form of any such instrument shall be previously approved by the city attorney or assistant city attorney, provided, however, that where by ordinance or resolution, the execution of short-term leases or other instruments is delegated to another person, such instrument may be executed in the manner provided by such ordinance or resolution.

(c) All checks for the payment of money by the municipality shall be signed by the director of finance or by the holder of such other position as is authorized by resolution of the city commission. All persons authorized to sign checks shall be under fidelity bond in an amount recommended by the city manager and prescribed by resolution of the city commission.

(Ord. No. C-85-40, § 2, 5-7-85)

Sec. 4.02. Compensation of officers and employees.

The city commission of the City of Fort Lauderdale shall by resolution fix the compensation of commissioners, but any resolution increasing or reducing the compensation of commissioners shall not be adopted subsequent to July 31 of the year immediately preceding the year of the election and shall not be effective until the seating of the next commission following the next election. The city commission shall by resolution fix the compensation of the city manager and the city attorney. All other officers and employees shall receive the compensation designated under the pay plan and rules and regulations of the civil service system or the applicable collective bargaining agreement.

Sec. 4.03. Official bonds.

The city commission shall by resolution determine and fix the amount of bonds of all officers or employees required to furnish bond, as determined by the city commission. Where bond is required, same shall be procured from a regularly accredited surety company, licensed and authorized to do business in the State of Florida and maintaining an office and having an attorney-in-fact authorized to sign such bonds in the City of Fort Lauderdale, City of Fort Lauderdale shall pay the premium on such bonds; all of which shall be payable to City of Fort Lauderdale.

Sec. 4.04. Functions and duties of mayor-commissioner.

The mayor-commissioner or, in his absence or disqualification, the vice-mayor or mayor pro tem, as the case may be, shall perform the following functions:

- (a) Preside at all meetings of the city commission, and maintain order and decorum. He shall have the right to limit the time a person shall be permitted to speak upon a given subject. He shall have the right to follow an order of business by written agenda, if desired. He shall have the right to expel any person from the meeting who refuses to obey the order of the mayor in relation to preserving order and decorum at the meeting, and upon direction of the presiding officer, the police department shall expel such person from the meeting.
- (b) He shall have a voice and vote in the proceedings of the city commission, but no veto power. He shall vote last upon the roll call of commissioners. He shall have the right to temporarily relinquish the chair to the vice-mayor or other commissioner in order to make a motion, or offer a resolution or ordinance.
- (c) He may use the title of mayor in any case in which the execution of legal instruments, writings, or other papers so require; but this shall not be considered as conferring upon him any of the administrative or judicial functions of a mayor under the general laws of the state, except as herein provided.
- (d) He shall be recognized as the official head of the city by the courts for the purposes of serving civil processes; by the government in the exercise of military law; and by the public in general for all ceremonial purposes.
- (e) He shall exercise all the power and duties of the mayor as may be conferred upon him by the city commission in pursuance of the provisions of this charter, and no others.

Sec. 4.05. City manager; appointment; qualifications; compensation.

The city commission shall appoint a city manager who shall be the administrative head of the municipal government answerable to and under the direction and supervision of the city commission, and he shall hold office at the pleasure of the city commission. He shall receive such compensation as the city commission may by resolution fix and determine, and shall furnish such bond as the city commission may require. He shall be chosen solely on the basis of his executive and administrative qualifications, without regard to his political belief, shall be over the age of twenty-one (21) years, shall reside in the city during his term of office, but he need not be a resident of the city or state at the time of his appointment. A city manager shall serve the city on a full-time basis. He shall not be or become engaged in any other occupation. He shall not serve on any committee, board, or as an officer of any enterprise, compensated or not, while in the city's service, except by approval of the city commission by resolution.

Sec. 4.06. Acting city manager upon resignation of or during absence or disability of city manager.

Upon the resignation of or during the absence or disability of the city manager, the city commission may by resolution designate some properly qualified person, either classified or exempt service, to temporarily execute the functions of his office. The person thus designated shall have the same powers and duties as the city manager, and shall be known while service as "acting city manager."

Sec. 4.07. Assistants to the city manager.

Upon the recommendation of the city manager, a deputy city manager may be appointed by resolution of the city commission. Assistant city managers and all other professional managerial and administrative employees in the office of the city manager shall be appointed by the city manager. The deputy city manager, assistant city managers and all other professional managerial and administrative employees in the office of the city manager shall be in the exempt service and may be suspended, demoted or removed by the city manager. The compensation of such members of the city manager's staff who are in the exempt service shall be established by the provisions of the city's pay plan.

Sec. 4.08. Removal or discharge.

The city manager may be removed or discharged by resolution of the city commission at any time. In such resolution the commission shall designate an acting city manager to serve in the place of the removed city manager, and the removed city manager shall vacate the office upon adoption of the resolution. Within five (5) days after the adoption of resolution removing or discharging him, such removed city manager shall have the right to have served upon him written statement of specific reasons for his discharge, if he so desires, by filing a demand for same with the city clerk, and leaving sufficient copies with the city clerk for service upon members of the city commission. Such written statement of specific reasons, signed by a majority of the city commission shall be delivered to such removed officer within five (5) days after service of such demand as aforesaid, and a definite time and date fixed in such written statement for a public hearing before the commission within not less than five (5) days and not more than ten (10) days after the service of such written statement. At the time and place specified the city commission shall convene as a body at a special meeting for the purpose of conducting a public hearing upon such charges. The removed city manager shall have the right to appear at such hearing to answer and rebut such charges or reasons, and he shall have the right to be represented by his own private counsel. At the conclusion of such hearing the commission shall adopt a resolution confirming such removal or reinstating such removed city manager. If reinstated he shall receive full pay for the period intervening between his removal and reinstatement.

An acting city manager may be removed at any time by resolution of the city commission, and such removed person shall not be entitled to a public hearing upon such removal.

(Ord. No. C-98-46, § 1, 9-1-98/11-3-98)

Sec. 4.09. Powers and duties.

The city manager shall be responsible to the city commission for the proper administration of all affairs of the city coming under his jurisdiction, and to that end he shall:

- (a) See that the laws and ordinances of the city are enforced.
- (b) Appoint, suspend, demote or remove any subordinate officers and employees under his jurisdiction, in accordance with the charter and applicable rules.
- (c) Exercise control, direct, and supervise all activities of the municipal government, except as otherwise provided in this charter.
- (d) See that all terms and conditions imposed in favor of the city or its inhabitants in all contracts including leases and public utility franchises are faithfully kept and performed; and upon knowledge of any violation thereof, to call the same to the attention of the city attorney and the city commission, and it is hereby made the duty of the city attorney to take such legal steps as may be necessary to enforce the same when so directed by the city commission.
- (e) Attend all meetings of the city commission, with right to take part in the discussions, but without having a vote.
- (f) Recommend to the city commission for consideration such measures as he may deem necessary or expedient in the interests of the city.
- (g) Keep the city commission fully advised as to the financial conditions and needs of the city, and at such times and in such detail as may be specified submit to the city commission for its consideration an annual budget.
- (h) Advise and consult with all officers and official heads of the several departments of the city relative to the affairs of such departments, and to make recommendations to the city commission respecting such department.
- (i) Investigate and determine whether purchases of current supplies and contractual services are made in accordance with regulations prescribed by charter and ordinance, and whether competitive conditions are maintained in a fair and impartial manner.
- (j) Permit no contract to be let for the construction of public improvements, unless same is approved by the city commission after public advertisement for bids, except emergency construction.
- (k) Sign all bonds, contracts and agreements of the City of Fort Lauderdale.
- (l) Perform such other duties as may be prescribed under this charter, or may be required of him by motion, direction, ordinance or resolution of the city commission.

Sec. 4.10. City attorney; appointment; qualifications; compensation.

The city commission shall appoint a city attorney who shall be employed under such terms and conditions as it may deem advisable. The city attorney shall be a lawyer of at least two (2) years' experience and practice in the courts of the State of Florida. The city attorney shall receive such compensation as the city commission may by resolution fix and designate. Neither the city attorney nor any of his assistants shall receive any compensation in connection with the performance of the duties of the office other than the amounts paid directly by the city for services rendered to the city. The city commission may, by resolution, authorize one (1) or more special counsel to be retained for the purpose of performing such legal duties as may be prescribed by said resolution. Each such resolution shall further prescribe the compensation to be paid the special counsel.

Sec. 4.11. Assistants to the city attorney.

Upon the recommendation of the city attorney, a deputy city attorney may be appointed by resolution of the city commission. Assistant city attorneys shall be appointed by the city attorney. The deputy city attorney and assistant city attorneys shall be in the exempt service and may be suspended, demoted or removed by the city attorney. The compensation of the deputy city attorney and assistant city attorneys shall be established by the provisions of the city's pay plan.

Sec. 4.12. Duties.

The city attorney shall be the legal advisor to, and attorney and counselor for, the municipality and all of its officers in matters relating to their official duties, and is further charged with the responsibility of prosecuting offenders against the ordinances of City of Fort Lauderdale, and to that end he or his delegated assistants shall:

- (a) Attend the meetings of the city commission and advise the city commission on all points of law and parliamentary procedure.
- (b) Prepare all ordinances and resolutions required by the city commission for adoption or enactment.
- (c) Prepare, and/or review, all contracts and other instruments in writing in which the municipality is concerned, and endorse on each his approval of the form and correctness thereof (except that municipal bonds need not be endorsed with the approval of the city attorney as to form and correctness thereof), and no formal contract with the municipality shall take effect until such approval is so endorsed thereon.
- (d) Protect and defend on behalf of the city all complaints, suits and controversies in which the city is a party, or, when required to do so by the city commission, file any action on behalf of the city.

(e) Furnish the city commission or the city manager, when requested to do so, his opinion on questions of law relating to any legal matter or to the powers, duties, obligations, or liability of any officer or employee of the city.

(f) Act as the legal advisor to any city board or department.

(g) If required to do so, compile and codify the laws and ordinances of the City of Fort Lauderdale into a Code of Ordinances; but the city may contract for such work to be performed by other persons and may allow special compensation for such work.

(h) Perform such other professional duties as may be required of him by this charter or by ordinance or resolution of the city commission.

(i) The deputy city attorney and assistant city attorneys shall work under the supervision of the city attorney, and perform such duties as he shall require of them. In such cases they shall have the same powers as the city attorney.

Sec. 4.13. City clerk.

The city commission shall appoint a city clerk who shall be under the direction and supervision of the city commission and who shall hold office at the pleasure of the city commission. The duties of the city clerk shall be as set forth in section 2-83 of the city's Code of Ordinances. The compensation of the city clerk shall be established by the provisions of the city's pay plan.

(Ord. No. C-96-50, § 2, 9-17-96)

ARTICLE V. ADMINISTRATIVE ORGANIZATION

Sec. 5.01. Departments and duties.

The city commission, upon the recommendation of the city manager, may create departments or eliminate any department and may assign additional functions and duties to any department, division and agency of the city, or reassign existing functions and duties.

ARTICLE VI. CIVIL SERVICE SYSTEM

Sec. 6.01. Civil service established.

There is hereby established a civil service system of personnel administration based on merit principles and scientific methods governing the appointment, promotion, transfer, layoff, demotion, dismissal, suspension, removal and discipline of certain of its officers and employees.

The civil service system established herein shall be based upon principles that provide for: Recruitment from all segments of society and selection and advancement on the basis of relative ability, knowledge, and skill under fair and open competition; fair and equitable treatment in all personnel management matters without regard to politics, race, color, religion, national origin, sex, marital status, age, or handicapping condition and with proper regard for constitutional and statutory rights of individual privacy; fair and equitable compensation, considering the local (and national where applicable) rates paid by public and private employers, with incentives and recognition for excellent performance; high standards of integrity and conduct and concern for the public interest; efficient and effective use of the city work force; retention of employees who perform well, correction of performance of those whose work is inadequate, and separation of those who cannot or will not meet required standards; improved performance through effective education and training; protection of employees from arbitrary action, personal favoritism or political coercion; and protection of employees against reprisal for lawful disclosures of information.

The civil service system shall not be abolished or substantially modified except upon approval by referendum vote. All of the benefits accruing to employees under former civil service provisions inure to their benefit, except as herein provided and changed.

The civil service system and the personnel rules and regulations adopted pursuant thereto shall not apply to nor be maintained for regular employees in the classified service who are covered by a collective bargaining agreement.

Sec. 6.02. Classified and nonclassified service.

All offices and positions of the city shall either be in the nonclassified service or in the classified service. The city manager and deputy city manager, city attorney and deputy city attorney and city clerk shall be appointed by resolution of the city commission. Assistant city attorneys shall be appointed by the city attorney. All other nonclassified personnel shall be appointed by the city manager, who shall be empowered to execute employment contracts with such employees. The duration of such employment contracts shall not exceed two (2) years, and the pay provisions shall be in conformance with the salary range established in the city's pay ordinance. All positions in the classified service shall be filled in accordance with personnel rules and regulations; provided, however, that all positions in the classified service which, once filled, are subject to the provisions of any collective bargaining agreement shall be exempt from the applicability of such personnel rules and regulations. Positions in the nonclassified service shall be filled on

the basis of relative ability, knowledge and skill. Such employees shall be entitled to fair and equitable compensation, with incentives and recognition for excellent performance.

The nonclassified service shall include the following positions and levels:

- (a) The city manager and/or acting city manager.
- (b) Deputy city manager and deputy city attorney.
- (c) Assistant city managers.
- (d) Administrative assistants to the city manager.
- (e) The city attorney and assistant city attorneys.
- (f) All management category I positions.
- (g) City clerk and assistant city clerk.
- (h) Commission assistant.

Nonclassified personnel may not be assigned the duties of a vacant classified position except in accordance with personnel rules and regulations.

The classified service shall include all positions in the city's service, except those specifically placed in the nonclassified service. All persons in the classified service shall be subject to the civil service rules and regulations; provided, however, that regular employees in the classified service who are subject to a collective bargaining agreement shall not be subject to civil service rules and regulations.

(Ord. No. C-96-50, § 1, 9-17-96)

Sec. 6.03. Status of present employees and offices.

A person displaced from a nonclassified position for any reason other than misconduct shall be permitted to return to the highest job class previously held in the classified service, provided a vacant position exists in such job class. In cases where no such vacant position exists, the city manager shall consider the employee's length of service and contribution to the organization, and based upon such review may authorize a nonbudgeted position for such employee until a budgeted position becomes vacant.

Any person who was in the classified service prior to the effective date of this charter shall retain his status as a classified employee for the duration of his employment in that position or until such time as he chooses to accept a nonclassified position.

Sec. 6.04. Civil service board; created; composition.

(a) Purpose of board. There shall be a civil service board, the members of which shall be residents and electors of the City of Fort Lauderdale, who shall be in sympathy with the application of merit principles in connection with public employment. No member of the board shall hold or be a candidate for any elective public office.

(b) Membership; appointment, etc. The civil service board shall consist of three (3) members, one (1) of whom shall be recommended for appointment by the mayor, with approval of city commission; one (1) of whom shall be recommended for appointment by

the city manager; and the third member shall be recommended for appointment by the regular employees of the City of Fort Lauderdale who are in the classified service as of May 31 of the year of the appointment. Each member shall be appointed by resolution for a full term of four (4) years, which resolution shall specify upon whose recommendation the member was appointed, and the expiration of his term of office. The present members of the board shall serve until the expiration of their terms of office or until their successors are appointed and qualified. If the office is vacated by death, resignation, removal or other effective cause prior to expiration of the term, the vacancy shall be filled by appointment by the city commission upon recommendation of the proper authority, for the balance of the unexpired term. All regular full terms shall be for a period of four (4) years from the expiration of the preceding term. Recommendations for appointment by the mayor and city manager shall be made to the city commission in writing at least twenty (20) days prior to expiration of the term of the member whose successor it is the duty of such officials, respectively, to recommend for appointment.

Recommendations for appointment by the employees shall be made in the following manner: At least forty (40) days before expiration of the term of the member to be filled upon recommendation of civil service employees, civil service employees shall be notified that for a period of seven (7) days sealed nominations will be received for members of a nominating committee representing the civil service employees. Any regular employee in the classified service shall have the right to nominate any other regular employee in the classified service as a member of such nominating committee. At the expiration of seven (7) days from such notification, a list of all eligible employees so nominated shall be printed and delivered to each employee in the classified service, with instructions to vote for five (5) of the employees so nominated within seven (7) days thereafter. Upon tabulation of the results, the five (5) employees receiving the highest number of votes shall become the nominating committee to nominate three (3) candidates for the office to be filled. Upon vote of the regular employees in the classified service, the person receiving the highest number of votes, and otherwise qualified, shall be recommended to the city commission for appointment. The city manager's designee and two (2) city commissioners appointed by the mayor shall constitute the election board and shall certify the results to the city commission in writing.

No person shall be eligible to be a member of the civil service board who is an officer or employee of the city or who is serving the city upon an advisory board or in any other capacity (except as a member of the civil service board), nor shall the husband or wife of such a person or other relative (as defined by law) of such a person be eligible for membership.

If, because of lack of sufficient time, or other valid reason, except willful failure to so do, proper nominations are not made before the expiration of a term, the incumbent shall hold over until his successor is appointed and qualified, but the term of the new appointee shall run for the balance of the full four-year term only. If, for any reason the mayor, city manager or employees of the city should fail to make their respective recommendations for appointment within sixty (60) days after expiration of a term, the city commission

shall appoint a qualified person to membership upon said board, whose term shall run for the balance of the unexpired term only.

All members of the board shall file an oath to support and defend the Constitution of the United States and of the State of Florida, and to faithfully perform the duties of the office. The members of the board shall elect one (1) of their members to serve as a chairman for a two-year term.

(c) Duties of the board. The board shall:

- (1) Hear appeals as outlined in section 6.04(d).
- (2) Review and consider additional personnel rules or amendments to existing rules that may be recommended for adoption, and approve or disapprove, by motion, these rules.
- (3) Review and consider new class specifications or revisions and amendments to existing class specifications and advise the city manager, by motion, concerning these specifications.
- (4) Meet at such times and places as shall be required to conduct the business of the board as outlined in paragraphs (1), (2) and (3), above. Time and place of the meeting shall be specified by the call of the chairman of the board or by a majority of the board. All meetings shall be open to the public. Notice of each meeting shall be given in writing to each board member by the secretary of the board. Two (2) members shall constitute a quorum for the transaction of business.

(d) Appeals to the board. Regular employees subject to personnel rules and regulations who are suspended, dismissed or demoted, or who believe the personnel rules have been improperly applied or misinterpreted to their detriment, may appeal to the board within thirty (30) calendar days from the date such action is taken, or from the date an employee by use of reasonable diligence should have become aware of the action causing the appeal, and the board shall hear and take action upon such appeal. Upon such appeal, the appealing employee and the city management staff shall have the right to be heard publicly and to present evidence. At the hearing of such appeal, technical rules of evidence shall not apply. The board shall make the final decision disposing of the appeal. If such final decision is in favor of the employee, the city manager shall reinstate the employee without loss of pay and benefits.

(e) Powers of the board. The board, each member of the board, and the secretary to the board, who shall be designated by the city manager, shall have power to administer oaths, subpoena witnesses, and compel the production of books and papers pertinent to any investigation or hearing authorized by this charter. Any person who shall fail to appear in response to a subpoena or to answer any question or produce any books or papers pertinent to any such investigation or hearing or who shall knowingly give false testimony therein shall be guilty of an offense and punishable as provided in section 1-6 of the Code.

Sec. 6.05. Pay plan and personnel rules.

The city commission shall establish a pay plan by ordinance and adopt personnel rules by resolution. The adoption or revision of personnel rules which have been disapproved by the civil service board shall require an affirmative vote of four (4) members of the city commission. The pay plan and personnel rules in effect at the time of the adoption of this article shall remain in full force and effect until changed, adjusted or amended as provided herein.

Sec. 6.06. City commission involvement prohibited.

Neither the city commission, any of its committees, nor any of its members, individually or collectively, shall direct the appointment of any person to, or removal from, office by the city manager or any of the manager's subordinates, or in any manner, directly or indirectly, take part in the appointment or removal of any officer or employee in the classified or nonclassified service of the city except as provided in section 6.02 of this article. All inquiry dealing with any portion of the classified or nonclassified service of the city shall be with the city manager, and neither the city commission nor any member thereof shall give any orders to any subordinate or officer of the city, either publicly or privately, directly or indirectly. Any violation of the provisions of this section by a member of the city commission shall be grounds for removal from office.

ARTICLE VII. ELECTIONS

Sec. 7.01. Nonpartisan elections.

All qualifications and elections for the office of city commissioner shall be conducted on a nonpartisan basis without regard for or designation of political party affiliation of any candidate on any ballot or campaign literature produced and distributed by such candidate.

Sec. 7.02. Compensation of county supervisor of elections.

The supervisor of elections of Broward County, Florida, shall be entitled to reasonable compensation for services rendered to the municipality, in connection with municipal elections.

Sec. 7.03. City clerk to represent city in matters relating to registration.

The city clerk of the City of Fort Lauderdale shall be the official representative of the city and the city commission in all transactions with the supervisor of elections of Broward County, Florida, in relation to matters pertaining to the use of the registration books and records herein mentioned for holding such municipal elections.

Sec. 7.04. General laws to apply.

All general and special laws of the State of Florida relating to elections and the registration of persons qualified to vote therein shall be applicable to City of Fort Lauderdale.

Sec. 7.05. Primary election.

Beginning with 1988, and every third year thereafter, a regular municipal primary election shall be held on the second Tuesday of February for the purpose of nominating, from those persons qualifying in accordance with section 7.14 hereof, nominees for the office of mayor-commissioner and city commissioner unless such primary is made unnecessary pursuant to section 7.06.

Qualified electors of the City of Fort Lauderdale shall vote for not more than one (1) candidate for the office of mayor-commissioner.

Qualified electors residing within a commission district shall vote for not more than one (1) candidate for the office of city commissioner from that district and shall not be entitled to vote for candidates for city commission from any other commission district.

The two (2) candidates for the office of mayor-commissioner receiving the highest number of votes shall be nominated for the office of mayor-commissioner and the two (2) candidates for the office of city commissioner receiving the highest number of votes in each district shall be nominated for the office of city commissioner from that district. However, if any candidate for mayor-commissioner or city commissioner receives fifty (50) percent plus one (1) of the votes cast in a primary election for that office, such candidate shall be declared elected to that office and there shall be no regular municipal election for the office for which he was a candidate.

(Ord. No. C-86-77, § 4, 9-16-86)

Sec. 7.06. When primary election unnecessary.

Should the number of candidates qualifying for the office of mayor-commissioner or city commissioner be not more than two (2) candidates for any such office, then, and in that event, no primary election for that office shall be held. When the time for qualifying for such primary election has passed, the city clerk shall certify such fact to the city commission, and the city commission shall declare such persons to be nominated for the office of mayor-commissioner or city commissioner and have their names printed in the appropriate manner on the ballot for the next regular or special municipal election. However, if there are more than two (2) candidates for the office of mayor-commissioner or city commissioner and if those candidates have qualified for a primary election as provided for in this charter, then it shall be the duty of the city commission to hold a primary election.

(Ord. No. C-86-77, § 5, 9-16-86)

Sec. 7.07. General election; regular municipal election.

Beginning with 1988, and every third year thereafter, a regular municipal election shall be held on the second Tuesday in March for the purpose of electing a mayor-commissioner and four (4) city commissioners. However, should only one (1) candidate qualify for the office of mayor-commissioner or city commissioner, then, and in that event, no regular election for that office shall be held and the city clerk shall certify such fact to the city commission and the city commission shall declare such person(s) to be elected to the office of mayor-commissioner or city commissioner.

Qualified electors shall vote for not more than one (1) candidate for the office of mayor-commissioner.

Qualified electors residing within a commission district shall vote for not more than one (1) candidate for the office of city commissioner from that district and shall not be entitled to vote for candidates for city commission from any other commission district.

The nominee receiving the highest number of votes shall be elected to the office for which he was a candidate.

The mayor-commissioner and the city commissioners elected at such election shall serve for terms of three (3) years each beginning on the third Tuesday in March following their election and shall serve until their successors are elected and qualified.

(Ord. No. C-86-77, § 6, 9-16-86)

Sec. 7.08. Filling vacancies in commission.

When there shall exist a vacancy or vacancies in the office of city commissioner, and less than eighteen (18) months ensue before the time provided under this charter for holding

the next regular triennial municipal primary, then such vacancy or vacancies for the unexpired term shall be filled by appointment by resolution adopted by a majority of the remaining members of the city commission; and the person or persons so appointed must possess all of the qualifications of a member of the city commission.

If a vacancy or vacancies occur in the office of city commissioner, and eighteen (18) months or more ensue before the time provided for holding the next regular triennial municipal primary, or, if a vacancy should occur at any time in the office of mayor-commissioner then a special municipal primary and election shall be called to fill such vacancy or vacancies.

(Ord. No. C-86-77, § 7, 9-16-86)

Sec. 7.09. Special municipal primary election.

A special municipal primary election for the purpose of nominating candidates for the office of mayor-commissioner or city commissioner, to fill a vacancy or vacancies on account of death, removal, forfeiture, disqualification, resignation or other cause, except as provided in section 7.08 above, shall be held within sixty (60) days after such vacancy occurs; and the city commission, by resolution, shall fix the time for qualifying for office and of holding such special municipal primary election, which shall not be less than forty-five (45) days after adoption of the resolution calling such election.

(Ord. No. C-86-77, § 8, 9-16-86)

Sec. 7.10. Special municipal elections to elect mayor-commissioner or city commissioners.

A special municipal election for the purpose of electing the mayor-commissioner or a member or members of the city commission, to fill a vacancy or vacancies in the city commission, on account of death, removal, resignation or other cause, shall be held two (2) weeks after the special municipal primary election, in the same manner as provided herein for a regular triennial election. The city commission may call the special municipal primary election and the special municipal election by the same resolution. Such resolution shall specify the length of the unexpired term or terms to be filled, and the time of taking office of the elected mayor-commissioner, city commissioner or commissioners; which mayor-commissioner, city commissioner or commissioners shall hold office until their successors, elected in regular triennial municipal elections, shall take office.

(Ord. No. C-86-77, § 9, 9-16-86)

Sec. 7.11. Special elections for other purposes.

A special election for a purpose other than the nomination or election of a member or members of the city commission may be called by resolution at any time by the city commission; provided that thirty (30) days shall intervene between the date of the adoption of the resolution and the date of the election, unless a different time be otherwise provided in this charter or by statutory law or constitutional provision, under

authority of which the election is called. Any matter or matters, which by the terms of this charter may be submitted to the electors of the city at any special election, including bond elections, may be submitted and voted upon at any regular municipal primary election, or any regular municipal election. At least ten (10) days before any such election the city clerk shall cause the matter or matters to be voted upon to be published in one (1) issue of the official newspaper.

Sec. 7.12. Elections--How arranged for; creation of districts.

The city commission shall make all necessary arrangements for holding all city elections, and shall declare the result thereof. The city commission shall adopt a resolution calling any triennial primary election or special primary election, except as otherwise provided for, stating therein where the same shall be held, and naming the different offices to be filled or questions to be decided, and shall cause the notice of election to be published once each week for two (2) consecutive weeks preceding the day of election in a newspaper published in the city, the first publication or posting to be not less than ten (10) days prior to said election.

Not later than April 1, 1987 the city commission shall, by ordinance, adopt, create and establish four (4) separate and distinct geographical commission districts. Except as is provided herein for noncontiguous parcels, the four (4) districts to be created and established by the city commission shall be of contiguous territory and as approximately equal in population as is practicable. If there are parcels of land which are within the corporate limits of and which are part of the City of Fort Lauderdale, but which parcels are not contiguous to any other parcel or tract of land which is within the corporate limits of the City of Fort Lauderdale, then such noncontiguous parcel(s) shall either be made part of one (1) of the districts to be created as provided for herein or if such parcel(s) has a population approximately equal to the other commission districts to be created, then such parcel(s) may be a commission district. In creating and establishing the four (4) city commission districts, the city commission shall use the most recent United States Census data to determine population figures. After the receipt of the published information of each decennial census, the city commission shall reestablish the boundaries of the four (4) commission districts so that the districts shall be as approximately equal in population as is practicable.

Beginning in 1988 all electors of the City of Fort Lauderdale shall be entitled to vote for candidates for the office of mayor-commissioner; however, only the electors of each commission district shall be entitled to vote for candidates for city commissioner from that district.

(Ord. No. C-86-77, § 10, 9-16-86)

Sec. 7.13. Ballots.

The ballots shall conform to the form of ballots prescribed by Florida law. The ballot shall not contain the party designations of the candidates.

Sec. 7.14. Candidates for mayor-commissioner and city commissioner.

Any bona fide resident of the City of Fort Lauderdale and of the State of Florida, who is a citizen of the United States of America, who is a registered elector of the City of Fort Lauderdale and possesses the qualifications necessary to vote at city, state and national elections, and who is otherwise qualified to be a city commissioner or mayor-commissioner, as provided in section 3.03 of this charter, may be a candidate for such office by filing a verified candidate oath for city commissioner within the period of time herein prescribed and in the manner herein set out, and by paying as a qualifying fee the sum of one hundred dollars (\$100.00) to the city clerk of the City of Fort Lauderdale at such time, which money shall be used for the purpose of defraying the election expenses. Such written notice shall be filed with the city clerk of said city on any regular working day of said city clerk, no earlier than noon on the first work day in January nor later than noon on the fourteenth day following the first work day in January of the calendar year in which the election is held.

CANDIDATE OATH

State of Florida

County of Broward

Before me, an officer authorized to administer oaths, personally appeared (please print name as you wish it to appear on the ballot), to me well known, who, being sworn, says that he is a candidate for the office of (Mayor-Commissioner) (City Commissioner) of the City of Fort Lauderdale, Florida; that he is a qualified elector of the City of Fort Lauderdale, Broward County, Florida; that he is qualified under the Constitution, the laws of Florida and the City Charter to seek and to hold the office to which he desires to be nominated or elected; that he has taken the oath required by SS. 876.05--876.10, Florida Statutes; that he has not violated any of the laws of the state relating to elections or the registration of electors; that he has qualified for no other public office in the state, the term of which office or any part thereof runs concurrent with that of the office he seeks; and that he has resigned from any office from which he is required to resign pursuant to § 99.012, Florida Statutes.

Signature of candidate

Residence/Address

Sworn to and subscribed before me this _____ day of _____,
19_____, at _____ County, Florida.

(Ord. No. C-86-77, § 11, 9-16-86)

Sec. 7.15. Conduct of candidates for city commission.

No candidate shall promise any money, office, employment, or other thing of value, to secure his nomination or election, or give anything of value to individual voters for the purpose of securing their votes. A violation of any of these provisions shall disqualify such candidate from holding the office, if elected, and the person receiving the next highest number of votes, observing the foregoing conditions, shall be entitled to the office.

Sec. 7.16. Election; tie vote; primary election to fill one vacancy.

At the regular or special municipal election, the candidates for each office who shall receive the greatest number of votes for that office at such regular or special municipal election, shall be declared elected. A tie between two (2) candidates for the office of mayor-commissioner or city commissioner shall be decided by lot to be conducted by the city attorney. If in a municipal primary election a candidate shall receive a majority of valid votes cast for that office, such candidate shall be declared elected without the holding of a regular municipal election.

(Ord. No. C-86-77, § 12, 9-16-86)

Sec. 7.17. Interim government.

Should a condition arise where there should be no commissioners serving, either through death, resignation or otherwise, in the interim until a special election can be called to fill such vacancies, the city manager shall have the power to fill the vacancies until successors are elected, and such city commission so appointed shall call a special election as provided by this charter. In the event of the inability or refusal of the city manager to serve in such capacity or to fill such vacancies, within five (5) days after such condition arises, the city clerk shall do so.

ARTICLE VIII. PUBLIC PROPERTY

Sec. 8.01. Sale of personal property; procedure; public notice.

Personal property belonging to the city shall not be sold, except where competitive bidding conditions have been maintained. Where the value of the personal property exceeds five thousand dollars (\$5,000.00), same may not be sold except after public notice to bidders by publication. The sale shall be made to the highest and best bidder for cash, and no personal property shall be sold on terms. The provisions of this section shall not apply in instances where depreciated personal property is traded in on new equipment, bought by the city, but in such instances the amount allowed for personal property traded in on new equipment purchased must be definitely specified in the bid.

Sec. 8.02. Sale of public lands and of public property to public bodies.

City of Fort Lauderdale is hereby authorized and empowered to enter into contracts with and to sell, alienate, exchange, give, grant or convey to United States of America or any of its departments or agencies, State of Florida or any of its counties, districts, subdivisions or agencies, or to any public body, any public places or any public property, real or personal, now owned by said City of Fort Lauderdale or hereafter acquired, to be used by such public body or agency for a public purpose, or make improvements upon public property used for a public purpose, under the following conditions, to-wit:

- (a) The city commission shall first adopt a resolution determining and declaring its intention to sell, alienate, give, exchange, grant, or convey certain public property to a designated public body, or make improvement to public property, and such resolution shall particularly describe the public lands, public property, improvements or places intended to be conveyed or improved, the purchase price to be paid, if any, the public purpose for which such land or such property will be used by the grantee, and other details of the sale, and designate a day not less than thirty (30) days after the adoption of such resolution, on which a public hearing will be had before the city commission upon such proposal.
- (b) If any public property intended to be sold, alienated, given away, granted or conveyed to any other public body is encumbered by any bonds or obligation for which such property or the revenue derived therefrom is specially pledged, provision must be made in the proposal and plan to simultaneously discharge and pay the obligations for payment of which such lands or revenues derived therefrom are specially pledged.
- (c) Such resolution shall be published in full in two (2) issues of a newspaper published in said city with the first publication not less than ten (10) days before such public hearing and the second publication one (1) week after the first publication.
- (d) At the time designated for a public hearing, the terms of the proposal and the use of the property shall be explained to the public and opportunity given for citizens and taxpayers to be heard upon such proposal.

(e) At such meetings, or any designated adjourned meeting, the city commission shall pass another resolution either confirming or repealing the resolution previously adopted, or confirming the previous resolution with amendments or additions. If the previous resolution is confirmed in its original form, or with amendments or additions, such confirming resolution shall direct the proper city officials to execute and deliver deed of conveyance under the terms and conditions set out in the resolution as confirmed.

(f) The provisions of this section to the contrary notwithstanding, the city may sell (for fair market value) or trade (for like value) surplus stock of supplies or equipment belonging to the city to another governmental entity by any procedure as may be established under the "Purchasing Ordinance of the City of Fort Lauderdale" [Code ch. 2, art. V, div. 2].

Sec. 8.03. Acquiring right-of-way for purpose of conveying same to a public body.

City of Fort Lauderdale is hereby authorized and empowered to give, grant and convey to the State of Florida and its political subdivisions or agencies, or the County of Broward, for right-of-way purposes, any lands owned by the city or lands acquired by the city for the purpose of conveying same to a public body, and to enter into contracts with such public body providing for the acquisition or conveyance of any of such lands or public property by the city; and to expend public moneys of the city and exchange public property of the city with private persons in acquiring or conveying needed right-of-way, removing utility installation, furnishing easements and making improvements upon public property, under such terms and conditions as the city commission by resolution may prescribe. The power herein granted is in addition to the authority elsewhere granted herein and the exercise of same is not limited or restricted by the procedure provided in section 8.02 above. The provisions of this section shall apply only to conveyances and expenditures for public road purposes within the corporate limits.

Sec. 8.04. Sale of real property to private persons, firms or corporations.

City of Fort Lauderdale is hereby authorized and empowered to sell any public lands and improvements thereon, title to which is vested in City of Fort Lauderdale, to any private person, firm or corporation (other than a public body) under the following conditions, to-wit:

(a) Resolution declaring property not needed for public use. The city commission shall adopt a resolution at a regular meeting of the city commission particularly describing the land by metes and bounds, reference to a recorded plat or government survey, its location by street number, if any there be, a description of all improvements located upon the land, and shall declare how said land has been used since same has belonged to the city, why it is desirable to sell same, and that the city does declare and determine that it is for the best interests of the city that such lands and facilities be sold. The resolution declaring that such lands be sold shall state whether the sale shall be made for cash or terms. Where the value of the land is determined by the city commission to be less than ten thousand dollars (\$10,000.00), the sale shall be for cash. Where the value of the land is determined by the city commission to exceed ten thousand dollars (\$10,000.00), the city commission may sell same for twenty-five (25) percent cash and

the balance upon terms, with installments due yearly, not exceeding ten (10) years, with interest to be determined by the city commission. The city shall sell, without competitive bidding, to the party making the best offer, but the city may reject any and all offers at any time. Offers shall be accompanied by cashier's checks or certified checks payable to the city in an amount equal to at least ten (10) percent of the offer. In no event shall the sale be for less than seventy-five (75) percent of the appraised value of the property as determined by the city commission.

(b) Notice; offers. Within seven (7) days after the adoption of the resolution, it shall be published by the city in one (1) issue of the official newspaper. Offers shall be accompanied by cashier's checks or certified checks payable to the city in an amount equal to at least ten (10) percent of the offer.

(c) Protests. During the period intervening between the adoption of the resolution and the date of sale, taxpayers and registered electors of the city may protest or object to the sale, or propose other public uses for the said property, and the city commission may rescind its former action and repeal the resolution declaring the property should be sold, if it deems same expedient and proper.

(d) Authority to sell; cemetery lots excepted. Subject to the foregoing provisions, City of Fort Lauderdale is hereby empowered to sell and dispose of any lands, improvements, public buildings, recreational parks and other lands now owned or hereafter acquired by said city, and in the deed of conveyance may place such conditions, limitations and restrictions on the use of such property by the purchasers as to the city commission shall seem proper. The above restrictions as to sale of public property shall not apply to sale of municipal cemetery lots, which are subject to rules and regulations governing same.

(e) Resolution accepting offer and authorizing conveyance. At any regular meeting after publication of the resolution as heretofore provided in paragraph (b), the city commission may adopt a resolution accepting the best offer and authorizing the execution of a deed of conveyance; provided that if such property is encumbered by any bonds or obligations for which such property or the revenue derived therefrom is specially pledged, the purchase price must be sufficient to pay and discharge such bonds or obligations according to the terms thereof.

(f) Notwithstanding the provisions of this section or other provisions of this article, City of Fort Lauderdale shall have the right to exchange, deed or convey portions of publicly owned lands, or grant concessions, leases or rights therein to private persons, in consummating a transaction whereby City of Fort Lauderdale acquires property needed in connection with a public improvement or a public use.

(g) The City of Fort Lauderdale is hereby authorized to pay a real estate commission to any registered real estate broker, licensed to do business in the State of Florida, who negotiates and procures a purchaser or tenant for any real estate sold or leased by the City of Fort Lauderdale. Such real estate commission shall only be paid, however, on the

consummation of such sale or lease, and the commission paid shall in each instance be determined by the city commission based upon what it believes to be a fair and equitable commission for the service to be rendered.

Sec. 8.05. Leases for not more than one year.

(a) The City of Fort Lauderdale is hereby empowered to lease or grant concessions for a period not exceeding one (1) year in any public property, upon a majority vote of the city commission, or by or through any board, commission, officer, manager or city manager designated by ordinance to do so. Included in properties which may be leased are airports and airport property, public recreational facilities, golf courses, tennis courts, recreational halls, stadiums, football fields, baseball fields, playgrounds, public beaches, swimming pools, fishing piers, yacht basins, docks and wharves; and the list enumerated is not exclusive but merely indicative of the class of public property deemed to be operated in a proprietary capacity. The provisions of this section shall also be applicable to leases to civic or charitable organizations, public nonprofit corporations, and like organizations, not exceeding one (1) year.

(b) Any and all leases of one (1) year or less previously entered into by the City of Fort Lauderdale with any civic or charitable organizations, public nonprofit corporations, or like organizations are hereby ratified and confirmed.

Sec. 8.06. Leases at Bahia-Mar.

Leases for the city property known as Bahia-Mar may be negotiated by the city commission without the necessity of public bid; provided, however, that no such lease shall be for an initial term longer than fifty (50) years. Extensions of or amendments to such leases may likewise be negotiated without necessity of public bid; provided, however, that no such extension or amendment shall be for an additional term longer than fifty (50) years beyond the original termination date of the lease which is to be extended or amended. The provisions of this section are notwithstanding the limitations provided in sections 8.05 and 8.09.

Sec. 8.07. Leases with governmental entities or agencies for governmental purposes.

The City of Fort Lauderdale is hereby empowered to lease to other governmental entities or agencies for governmental purposes, for periods of not more than fifty (50) years, any property of the city, without the necessity for submitting the same to competitive bidding, upon such terms and conditions as the city commission shall by resolution determine. Any and all such leases previously entered into by the City of Fort Lauderdale are hereby ratified and confirmed.

Sec. 8.08. Leases of parking spaces in parking facilities owned or operated by the city.

Notwithstanding anything herein to the contrary, the city is hereby empowered to lease or concession, by negotiation and without competitive bidding, to private persons firms or corporations for nonpublic purposes, parking spaces in parking facilities owned or operated by the city, for a period of not more than fifty (50) years.

Sec. 8.09. Leases for more than one year and not more than fifty years.

City is hereby empowered to lease or concession to private persons, firms or corporations, for nonpublic purposes, any lands, improvements, public buildings, recreational parks or facilities, golf courses, public beaches, public utility plants, or any public works or public property of any kind including air space over public property owned or operated by the City of Fort Lauderdale, and not needed for governmental purposes, whether used in a governmental or in a proprietary capacity, for a period of not more than fifty (50) years, plus such length of time, not to exceed five (5) years, determined by the city commission to be reasonably necessary to complete construction of the improvements proposed for the demised premises by such persons, firms or corporations. Each lease shall be authorized only after public hearing, under authority of a resolution duly adopted at a meeting duly held at a designated adjourned meeting, under the following conditions, to wit:

(a) One (1) of the conditions for leasing such public property may be obligations of the lessee to construct thereon buildings or improvements to be used in connection with an existing facility, or to construct improvements on said property, if same is vacant, and in a manner not detrimental or harmful to the operation of the proposed facility. In no event shall the fee title of the city be subordinated except upon terms and conditions as approved by the city commission.

(b) The city commission shall adopt a resolution at a regular meeting of the city commission specifying the facility to be leased, described by metes and bounds, or by reference to a recorded plat, if any, and giving its location by street number, if any, and a description of all improvements located upon the land, and shall declare how said land and improvements have been used since same have belonged to the city and the reasons for offering such land and improvements for lease.

(c) At any time, not less than thirty (30) days nor more than sixty (60) days, after the adoption of such resolution the land and improvements shall be offered upon competitive conditions for lease as desired and a notice shall be published by the city in the official newspaper for two (2) issues prior to the date set for receiving such bids for lease, with the first publication not less than ten (10) days before said date of receiving bids and the second publication one (1) week after the first, on which date sealed bids shall be received by the city commission for the lease of said publicly owned lands and facilities. The sealed bids must be accompanied by cash, cashier's check or certified check payable to the city in an amount equal to at least ten (10) percent of the first year's rental. The city commission, in offering such public property or public owned facility for lease, shall set out in said resolution and notice such terms and conditions as deemed pertinent under which said facility will be leased and the number of years for which said facility shall be leased. The city commission shall consider any and all proposals and accept the proposal which, in its judgment, shall be the most advantageous lease for the city; but the city commission may reject any and all bids. Upon the city commission approving any proposal submitted as provided herein, said proposal shall be accepted by resolution duly adopted, authorizing preparation of the lease, provided a valid referendum petition has not been filed. If before the day advertised for receiving bids for lease of such property, a

referendum petition is filed with the city clerk signed by fifteen (15) percent of the registered voters, demanding a referendum election upon the question of leasing such property, no lease shall be executed by the officials of the city until after approved by a majority of the voters participating in such referendum election. Such referendum election shall be called and held as provided in this charter.

(d) The resolution accepting the bid shall require the preparation of a form of lease for execution, embodying the terms and conditions of the bid and other legal requirements, for submission to the commission at its next regular meeting or at a designated meeting. At least three (3) days before the meeting date, the lease shall be posted on a public bulletin board by the city clerk and each commissioner shall be given a copy of the lease with a covering summary letter, providing, however, that in case of emergency, such procedure may be waived by the affirmative vote of three (3) of the commissioners. The city attorney or city manager shall be required to give a summary of the lease to the public at such meeting which shall be open to the public. Citizens and taxpayers shall have an opportunity to object to the terms and conditions of such lease. If the commission is satisfied with the terms and conditions of such lease, it shall pass a resolution authorizing execution of such lease by the proper officials of the city, upon compliance upon the part of the lessee. Amendment to such lease may be made from time to time by mutual consent, observing the same formality as in the original lease.

Sec. 8.10. Fort Lauderdale Executive Airport (Prospect Field).

Notwithstanding any provision herein to the contrary, relative to the requirements of leasing city owned property, the city commission acting through the city manager shall have the power to negotiate any and all leases of land within the city owned airport known as Fort Lauderdale Executive Airport (Prospect Field); provided, however, that the following conditions are fulfilled: (a) No lease shall be for a term longer than ninety-nine (99) years; (b) the lessee pursuant to the requirements of the lease shall be required to construct suitable improvements on the leased premises that will be of such a nature that they will aid in the development of said Fort Lauderdale Executive Airport (Prospect Field), or that portion of it available for such development, as an industrial center; (c) a general plan for the development of such site for an industrial center shall first have been adopted by resolution of the city commission, although this requirement shall not prevent subsequent amendments of such plan; and (d) the city manager certifies to the city commission and the city commission by resolution declares that the leasing of the property is in the best interests of the city and the development of the said industrial center and is the most advantageous lease that the city can make at the time of the area involved. No advertising or solicitation for public bid shall be required in connection with such leases; provided, however, that at least once every three (3) years, and within two (2) months before or two (2) months after, the start of the applicable third fiscal year, there shall be a public hearing held after a resolution calling for same and the advertising of said public hearing in the manner prescribed by section 10.03 of the charter, at which public hearing, or some adjournment thereof, the city commission shall publicly determine and publish in the minutes of said meeting, the following:

(a) The minimum rent or rent per acre or per parcel of property that may be accepted in the aforesaid negotiations, which minimum may include the payment of a brokerage commission.

(b) The amount of brokerage that may be paid and the procedures and standards that will govern the payment of brokerage commission, which payment is hereby authorized.

No lease shall be effective unless the aforesaid public hearing and the action above required shall have taken place prior to the adoption by the city commission of a resolution accepting the terms of any such negotiated lease.

Nothing herein shall prohibit the holding of such public hearings, more frequently than the time above prescribed. Any such other public hearing shall be held pursuant to the above requirements, except as to the time of holding same; and the same action, as above set forth, shall be required as a result of any such hearing.

(Ord. No. C-85-40, § 3, 5-7-85)

Sec. 8.11. Sale of real property at Fort Lauderdale Executive Airport (Prospect Field).

Notwithstanding any provision herein to the contrary relative to the requirements of selling city owned property, the city commission shall have the power to negotiate by conclude sales of land within the city owned airport known as Fort Lauderdale Executive Airport (Prospect Field), without the necessity of putting the same out to competitive bidding, upon such terms and conditions as the city commission shall by resolution determine.

Sec. 8.12. Leases of Shops in Central Business District Parking Garage.

Notwithstanding any provision in this charter to the contrary, leases of the city property known as Shops in Central Business District Parking Garage may be negotiated by the city commission acting through the city manager without the necessity of public bid; provided, however, that no such lease, or any extension of or amendment to same, shall be for a term longer than twenty (20) years.

Sec. 8.13. Leases to civic and charitable organizations.

City of Fort Lauderdale is hereby authorized to lease to civic organizations, charitable organizations, public nonprofit corporations and like organizations, any public lands, improvements, buildings, recreational parks and areas or other public places, now owned or hereafter acquired by the city, for a period exceeding one (1) year but not exceeding fifty (50) years, to be used by such lessee for purposes consistent with the public good, where such use will not conflict with use by the public of other portions of public land adjacent thereto, under the following conditions:

(a) The city commission shall first adopt a resolution declaring its intention to lease to a named civic or charitable organization, nonprofit corporation or like organization, a definitely described property or portion thereof, which resolution shall state the reasons

why the city commission believes such lease should be made, the purpose for which such public property will be used by the lessee, the compensation, if any, to be paid for the lease, and other information calculated to advise taxpayers and electors of the nature of the lease. Such resolution shall designate a day, not less than thirty (30) days after the adoption of such resolution, when a public hearing will be had before the commission upon such proposal.

(b) If the property intended to be leased is encumbered by any bonds or obligations for which such property or revenue derived therefrom are specifically pledged, provisions must be made in the proposal to discharge or satisfactorily comply with the requirements of the pledge.

(c) At any time, not less than thirty (30) days nor more than sixty (60) days, after the adoption of such resolution, a public hearing shall be had before the city commission upon such proposal to lease, and a notice shall be published by the city in the official newspaper for two (2) issues prior to the date set for considering such proposal, with the first publication not less than ten (10) days before said date of hearing. The city commission in offering said publicly owned facility or public lands for lease shall state in said resolution and notice such terms and conditions as deemed pertinent under which said facility will be leased and the number of years for which said facility shall be leased.

If before the day, fixed for such public hearing, a referendum petition is filed with the city clerk signed by fifteen (15) percent of the registered voters, demanding a referendum election upon the question of leasing such property, no lease shall be executed by the officials of the city until after approval by a majority of the voters participating in such referendum election. Such referendum election shall be called and held as provided in this charter.

At least three (3) days before said public hearing date, a copy of the proposed lease shall be posted on a public bulletin board by the city clerk and each commissioner shall be given a copy of such proposed lease together with a covering summary letter; providing, however, that in case of emergency, such procedure may be waived by the affirmative vote of three (3) commissioners. Citizens and taxpayers shall have the opportunity at such public hearing to object to the execution, form or conditions of such proposed lease. If the commission is satisfied with the terms and conditions of the proposed lease, and if no persuasive objections are voiced at such public hearing, the commission shall pass a resolution authorizing the execution of such lease by the proper officials of the city subject to the approval by the city attorney prior to its execution by the proper city officials.

Sec. 8.14. Form and execution of leases.

All leases shall be for a definite period of time, shall be in writing, executed in duplicate, with one (1) copy retained by the City of Fort Lauderdale. The form of lease shall be approved by the city attorney. Such leases shall be signed by the officers of the city designated by charter to sign same, except that leases or concession rights for a period of

not exceeding one (1) year may be signed in the name of the city by the city manager, manager of the concession, or other officer designated to do so.

Sec. 8.15. Granting franchises.

The city commission may by ordinance, after public notice and public hearing, grant a franchise to any individual, company, firm or corporation to exercise public functions in the city and to construct and operate any and all public utilities in the city and in, under, or over the streets and public places in the city and to use such public property in connection therewith; but no such grant or franchise or renewal thereof shall be for a longer period than thirty (30) years. No such grant or franchise shall be exclusive. All franchises or grants or rights to make extension of any public utility shall be subject to such terms and conditions as the city commission shall impose. Such franchise or grant shall be evidenced by an agreement in writing, executed in duplicate, with a copy recorded in the public records of the county, or by ordinance duly enacted by the city commission and a certified copy recorded in the public records of the county. All such individuals or corporations performing functions under such franchise shall be liable for damages occasioned by acts, negligence or injuries to the rights of others, and the city shall not be liable therefor. Franchises may be amended by mutual consent with the same formality.

Sec. 8.16. Rates to be charged.

Where the rates to be charged by any utility company are regulated by the public service commission, or successor, the city commission shall have no power to fix such rates, but when not so regulated, the grant, agreement or franchise shall provide that the rates to be charged at all times shall be under the supervision, direction and control of the city commission, and no rate shall be in effect unless same is approved by the city commission; provided the rate allowed shall be sufficient to insure a reasonable return on the investment.

Sec. 8.17. Conditions of grant or franchise.

The city commission shall in the written franchise agreement or in the ordinance granting or renewing any franchises to construct and operate a public utility or to use public property, prescribe the amount of money, fees, percentage of gross income and consideration which shall be paid for such franchise, the kind and quality of use, service or product to be furnished, the manner in which public streets and public places shall be used and occupied, and other terms and conditions conducive to the public interest. All such grants and renewals thereof shall reserve to the city the right to terminate the same upon purchase by the city of the property and property rights of the utility and the extensions thereof within and without the city, used in or useful in or connected with such utility and including all contracts for service or motive power fairly and reasonably made in good faith by the utility, at a price either fixed in the ordinance or agreement or to be fixed in the manner provided in the ordinance making the grant or renewal of the grant. Nothing in such ordinance shall prevent the city from acquiring said property of any such utility by condemnation proceedings, or in any other lawful manner; and all such methods of acquisition shall be alternative to the power to purchase reserved in the grant or renewal thereof as herein provided. Upon the acquisition by the city of the property of

any utility by purchase, condemnation, or otherwise, all franchises, grants or renewals shall at once terminate.

Sec. 8.18. Assignments of grants.

No such grant or franchise, or renewals thereof, shall be leased, assigned, or otherwise alienated, except with the consent of the city commission expressed by ordinance, and evidenced by a written assignment and consent to same, recorded in the public records of Broward County, Florida.

Sec. 8.19. Right of regulation.

All grants shall be subject to the right of the City of Fort Lauderdale, whether in terms reserved or not, to control at all times the distribution of any space in, over, across or under all streets, alleys, public grounds or other public places, occupied by public utility fixtures, and when, in the opinion of the city commission, the public interest so requires to cause such fixtures to be reconstructed, relocated, altered or discontinued at the expense of the holder of the franchise; and said city shall at all times have the power to pass all regulatory ordinances affecting such utilities which, in the opinion of the city commission, are required in the interest of the public health, safety, welfare or accommodation.

Sec. 8.20. General provisions.

Nothing in this charter contained shall operate in any way, except as herein specially stated, to limit the city commission in the exercise of any of its lawful powers, respecting public utilities, or to prohibit the city commission from imposing in any such grant such further restrictions and provisions as it may deem to be in the public interest, provided only that the same are not inconsistent with the provisions of this charter or the Constitution of the State of Florida.

Sec. 8.21. Disposing of public property.

The right of the city to sell, exchange, lease, franchise or deed public property, under the methods and procedure provided in this article, shall not be limited, restricted or abridged on account of the method, source or means by which such property was acquired, the source from which funds were obtained to acquire such property, the use to which such property has been devoted or is presently devoted, or whether such property is used and operated in a governmental or proprietary capacity.

ARTICLE IX. ANNUAL BUDGET AND LEVY

Sec. 9.01. Fiscal year.

The fiscal year of the city shall begin on the first day of October and shall end on the last day of September in each calendar year. Such fiscal year shall also constitute the budget and accounting year, and as used in the charter, the term "budget year" shall mean the fiscal year for which any particular budget is adopted and in which it is administered.

Sec. 9.02. City manager's budget message and recommendations.

The city manager shall during the month of July in each year, submit to the city commission his budget message, estimates and recommendations, together with a proposed budget for the fiscal year beginning October 1 thereafter. The budget message submitted by the city manager shall be explanatory of the budget. The budget message shall contain an outline of the proposed financial policies of the city for the budget year, and shall describe in connection therewith the important features of the proposed budget. It shall set forth the reasons for salient changes from the previous year in cost and revenue items and shall explain any major changes in financial policy. In such budget message he shall estimate receipts and disbursements for the remainder of the current fiscal year, based on information obtained from the various departments. He shall also make an estimate of the expenditures and revenues of the city for the ensuing year; such estimate to be compiled from detailed information, and its arrangement and classification of expenditures shall be as nearly uniform as possible for the main functional divisions and departments of the city. Schedules attached to such budget message shall show in parallel columns the following information:

- (a) The amount of moneys which he estimates will be on hand on October 1, specifying the fund or appropriation to which such moneys are credited or appropriated.
- (b) The budgeted amount for each department and fund of the city in the current budget, and the estimated surplus or deficit of each, estimated to the end of the current fiscal year.
- (c) Suggested appropriations and expenditures for corresponding items for the preceding fiscal year.
- (d) Detailed estimates of proposed expenditures for each department and fund, including all contemplated expenditures in connection with all utilities, facilities or enterprises operated by the city for the ensuing year; showing the increase or decrease of proposed appropriations for the ensuing year, as compared with expenditures for the current fiscal year and for the previous fiscal year.
- (e) Detailed estimates of anticipated income to be derived from all sources other than ad valorem tax levy.
- (f) Estimated amount necessary to be raised by ad valorem taxation.

(g) Supporting schedules showing special pledges or revenue to special funds or appropriations.

The estimates so given, constituting the recommendation of the city manager as to the amounts necessary to be appropriated for the ensuing fiscal year, shall be supported with information giving the reasons therefor in such detail as may be necessary to afford the city commission a comprehensive understanding of the needs and requirements of the various divisions of the city government for the ensuing period. Sufficient copies of such budget message and estimate of the city manager shall be prepared so that each city commissioner may be furnished with a copy, and additional copies shall be available, in the office of city clerk, for inspection by the public.

Sec. 9.03. Adoption of budget and millage rates.

The preparation and adoption of tentative and final budgets and millage rates shall be accomplished in accordance with general law.

Sec. 9.04. Transfer of funds during current year.

The city commission, by motion duly recorded in its minutes, shall have authority to transfer appropriated budgeted amounts from one (1) department, fund or project to another municipal department, fund or project, under the following conditions and limitations:

(a) There shall be no transfer of specially pledged funds until the purpose for which pledged has been fulfilled or abandoned.

(b) Whenever it is apparent that the full amount of any appropriation made to any office, department or project is not needed or necessary for the purpose for which appropriated during the current year, the surplus amount may be appropriated to other projects, offices or departments.

(c) Any accruing revenue or surplus funds not appropriated in the budget or specifically pledged to a definite purpose or fund, may be placed in a contingency account and may be used for any municipal purpose which will not conflict with the use or purpose for which such revenue is applicable.

Sec. 9.05. Unencumbered balance at end of fiscal year.

At the close of the fiscal year, the unencumbered balance of each appropriation shall be reappropriated by the commission in the next annual budget, except that specially pledged funds shall remain intact, and moneys on hand in such specially pledged funds shall be carried over into the new budget for the ensuing year, to the credit of such funds.

ARTICLE X. MISCELLANEOUS PROVISIONS

Sec. 10.01. Reserved.

Editor's note: Section 1 of Ord. No. C-90-27, adopted May 1, 1990, repealed in its entirety § 302 of the former Charter, which had been included in this Charter as § 10.01. Section 10.01 had consequently been deleted. Formerly, § 10.01 pertained to investment of public funds.

Sec. 10.02. Independent annual audit.

The commission shall designate a certified public accountant or certified public accountants who shall during the year conduct an independent investigation of accounts and other financial transactions relating to the city's operation in accordance with generally accepted auditing standards. They shall submit their audit report of all funds as soon as practical after the end of the fiscal year. When deemed appropriate by the auditors, they shall submit their recommendations for procedures to improve the keeping of accounts and records. Said auditors shall have no personal interest, direct or indirect, in the fiscal affairs of the city government or in any of its officers. They shall not retain any accounts or records of the city business, but, within specifications approved by the commission, shall audit the books, records and documents kept by the City of Fort Lauderdale.

Sec. 10.03. Public hearings and public notice.

Unless otherwise specified herein a notice of public hearing before the city commission, a notice for invitation for bids, a notice to materialmen, and other types of notice required to be published, shall be published once a week for two (2) consecutive weeks in the official newspaper of the city, with the first publication at least twelve (12) days before date of such public hearing or time for filing bids, and second publication seven (7) days after the first publication. Provided, however, that the giving of notice in connection with the purchase of supplies, equipment and material needed in connection with the ordinary operation of the city, and not primarily used in connection with new public construction, shall be governed by the requirements pertaining to the department of purchases as provided in the "Code of Ordinances of City of Fort Lauderdale."

ARTICLE XI. TRANSITION SCHEDULE

Sec. 11.01. Former charter provisions.

All provisions of chapter 57-1322, Laws of Florida, (the former charter) as amended by special law or otherwise which are not inconsistent with this charter shall become ordinances of the city subject to modification or repeal in the same manner as other ordinances of the city.

Sec. 11.02. Ordinances preserved.

All ordinances in effect upon the adoption of this charter, to the extent not inconsistent with it, shall remain in force until repealed or changed.

Sec. 11.03. Rights of officers and employees.

Nothing in this charter except as otherwise specifically provided shall affect or impair the rights or privileges of persons who are city officers or employees at the time of adoption. Elected officers shall continue to hold their offices and discharge the duties thereof until their successors are elected.

Sec. 11.04. Pending matters.

All rights, claims action, orders, contracts and legal or administrative proceedings involving the city shall continue except as modified pursuant to the provisions of this charter.

APPENDIX A. FORMER CHARTER PROVISIONS NOT CONSTITUTING AN ORDINANCE*

*Editor's note: This appendix is not part of the city charter. This appendix contains certain portions of the former city charter (Laws of Fla. ch. 57-1322, as amended) that relate to extraterritorial powers of the city. As Fla. Const. art. VIII, § 2(c) provides that the "exercise of extra-territorial (sic) powers shall be as provided by general or special law," it is unclear whether these provisions could be repealed by adoption of a home rule charter by the voters of the city. The provisions are published in this appendix for the convenience of the user of the code. History notes at the end of each section in this appendix indicate the source of the provision. The printing style of each section in this appendix has been made consistent with that of the new code.

Sec. 1. Public works.

The city commission shall have the power within and without its corporate limits, to construct, condemn, purchase, acquire or lease any interest in any property, and to maintain, conduct, own and operate, within and without the corporate limits, wharves, warehouses, ship canals, breakwaters, reservoirs, sewerage systems, trunk sewers, intercepting sewers, pumping stations, wells, siphons, intakes, pipe lines, distribution systems, purification works, collection systems, treatment and disposal works, transportation systems, cemeteries, gas plants and distribution systems or other public utility, airports and necessary hangars and appurtenances, or facility deemed necessary for the public good, and any buildings or facilities as may be required in connection therewith, and to make a contract of whatever nature in connection therewith; and shall have the right and power to issue bonds or revenue certificates in the manner provided in this charter, in an amount necessary to carry out any of said powers or purposes. All of the above works are considered as utilities within the meaning of any constitutional or statutory provision, and any existing utility may be combined with another existing utility and jointly improved by one (1) issue of revenue bonds or certificates, and the revenues derived jointly pledged to retire such bonds or certificates.

(Laws of Fla. Ch. 57-1322, § 152)

Sec. 2. Lights, heat and power.

The city commission shall have power to purchase or otherwise acquire, establish, maintain and provide facilities for lighting the streets, parks, public buildings and public places of the city; and to operate plants either within or without the corporate limits of the city for source of power, lighting, heating by electricity, gas, atomic power or other unknown sources of energy or any other method; and to supply the inhabitants of said city with artificial light, heat and power, for domestic, business and other purposes, and to charge and collect reasonable rates, prices and compensation for furnishing and supplying the same.

(Laws of Fla. Ch. 57-1322, § 153)

Sec. 3. Waterworks plants.

The city commission shall have the power to construct, establish, maintain and operate water works, and to bore and dig wells, construct reservoirs, lay pipes, and do such other things as may be necessary, essential or convenient for procuring and distributing an abundant supply of good and wholesome water to the inhabitants of said city for domestic and other purposes and to protect the property of said city and its inhabitants against fire; and also the power to lay water mains and water distribution systems beyond the city limits for the purpose of supplying water to persons residing outside the city limits, and to collect reasonable rates, prices and compensations for furnishing and supplying same, except for fire protection, which may be provided for in the tax levy.

(Laws of Fla. Ch. 57-1322, § 154)

Sec. 4. Service of utilities to consumers outside of city.

The city shall have power to supply water, electricity and other sources of power, sewage disposal and gas for domestic and other purposes, to individuals, firms, corporations, and other municipalities outside of said city, and to charge and collect reasonable rates, prices and compensations therefor, but the city may charge rates to be fixed by ordinance higher to such consumers than is charged for a like class of service to a like class of consumers within the city limits.

(Laws of Fla. Ch. 57-1322, § 155)

APPENDIX B. OTHER SPECIAL ACTS*

*Editor's note: This appendix is not part of the city charter. This appendix contains various special acts enacted by the legislature that are not part of the city charter and were not repealed by adoption of the new charter. History notes state the source of each section. The provisions of this appendix have been printed in a style consistent with that of the new code.

DIVISION 1. GENERALLY

Secs. 1--200. Reserved.

DIVISION 2. URBAN RENEWAL

Sec. 201. Short title.

This act [division] shall be known and may be cited as the "Fort Lauderdale Urban Renewal Law."

(Laws of Fla. Ch. 61-2165, § 1)

Sec. 202. Findings and declarations of necessity.

It is hereby found and declared that there exists in the City of Fort Lauderdale slum and blighted areas (as herein defined) which constitute a serious and growing menace, injurious to the public health, safety, morals and welfare of the residents of said municipality; that the existence of such areas contributes substantially and increasingly to the spread of disease and crime, constitutes an economic and social liability imposing onerous municipal burdens which decrease the tax base and reduce tax revenues, substantially impairs or arrests the sound growth of said municipality, retards the provision of housing accommodations, aggravates traffic problems and substantially impairs or arrests the elimination of traffic hazards and the improvement of traffic facilities; and that the prevention and elimination of slums and blight is a matter of public policy and concern in order that the said municipality shall not continue to be endangered by areas which are focal centers of disease, promote juvenile delinquency, and consume an excessive proportion of its revenues because of the extra services required for police, fire, accident, hospitalization and other forms of public protection, services and facilities.

It is further found and declared that certain slum or blighted areas, or portions thereof, may require acquisition, clearance, and disposition subject to use restrictions, as provided in this act [division], since the prevailing condition of decay may make impracticable the reclamation of the area by conservation or rehabilitation; that other areas or portions thereof may, through the means provided in this act [division], be susceptible of conservation or rehabilitation in such a manner that the conditions and evils hereinbefore enumerated may be eliminated, remedied or prevented; and that salvable slum and blighted areas can be conserved and rehabilitated through appropriate public action as

herein authorized, and the cooperation and voluntary action of the owners and tenants of property in such areas.

It is further found and declared that the powers conferred by this act [division] are for public uses and purposes for which public money may be expended and the power of eminent domain and police power exercised; and that the necessity in the public interest for the provisions herein enacted is hereby declared as a matter of legislative determination.

(Laws of Fla. Ch. 61-2165, § 2)

Sec. 203. Encouragement of private enterprise.

The City of Fort Lauderdale, to the greatest extent it determines to be feasible in carrying out the provisions of this act [division], shall afford maximum opportunity, consistent with the sound needs of said municipality as a whole, to the rehabilitation or redevelopment of the urban renewal area by private enterprise. The city shall give consideration to this objective in exercising its powers under this act [division], including the formulation of a workable program, the approval of urban renewal plans (consistent with the general plan of the municipality), the exercise of its zoning powers, the enforcement of other laws, codes and regulations relating to the use of land and the use and occupancy of buildings and improvements, the disposition of any property acquired, and the provision of necessary public improvements.

(Laws of Fla. Ch. 61-2165, § 3)

Sec. 204. Workable program.

The City of Fort Lauderdale for the purposes of this act [division] may formulate for the municipality a workable program for utilizing appropriate private and public resources to eliminate, and prevent the development or spread of slums and urban blight, to encourage needed urban rehabilitation, to provide for the redevelopment of slum and blighted areas, or to undertake such of the aforesaid activities or other feasible municipal activities as may be suitably employed to achieve the objectives of such workable program. Such workable program may include, without limitation, provision for: the prevention of the spread of blight into areas of the municipality which are free from blight through diligent enforcement of housing, zoning and occupancy controls and standards; the rehabilitation or conservation of slum and blighted areas or portions thereof by replanning, removing congestion, providing parks, playgrounds and other public improvements, by encouraging voluntary rehabilitation and by compelling the repair and rehabilitation of deteriorated or deteriorating structures; and the clearance and redevelopment of slum and blighted areas or portions thereof.

(Laws of Fla. Ch. 61-2165, § 4)

Sec. 205. Finding of necessity by the board of representatives.

The City of Fort Lauderdale shall not exercise the authority hereafter conferred by this act [division] until after the city commission shall have adopted a resolution finding that:

- (1) One (1) or more slum or blighted areas exist in such municipality; and
- (2) The rehabilitation, conservation, redevelopment, or a combination thereof, of such area or areas is necessary in the interest of the public health, safety, morals or welfare of the residents of such municipality.

(Laws of Fla. Ch. 61-2165, § 5)

Sec. 206. Preparation and approval of urban renewal projects and urban renewal plans.

(a) The City of Fort Lauderdale shall not approve an urban renewal project for an urban renewal area unless the city commission has, by resolution, determined such area to be a slum area or a blighted area or a combination thereof and designated such area as appropriate for an urban renewal project. Said commission shall not approve an urban renewal plan until a general plan for the municipality has been prepared. For this purpose and other municipal purposes, authority is hereby vested in said municipality to prepare, to adopt and to revise from time to time, a general plan for the physical development of the municipality as a whole (giving due regard to the environs and metropolitan surroundings), to establish and maintain a planning commission for such purpose and related municipal planning activities, and to make available and to appropriate necessary funds therefor. Said municipality shall not acquire real property for an urban renewal project unless the city commission has approved the urban renewal project in accordance with subsection (d) hereof.

(b) The municipality may itself prepare or cause to be prepared an urban renewal plan, or any person or agency, public or private, may submit such a plan to said municipality. Prior to its approval of an urban renewal project, the city commission shall submit such plan to the planning commission of the municipality, if any, for review and recommendations as to its conformity with the general plan for the development of the municipality as a whole. The planning commission shall submit its written recommendations with respect to the proposed urban renewal plan to said commission within thirty (30) days after receipt of the plan for review. Upon receipt of the recommendations of the planning commission, or, if no recommendations are received within said thirty (30) days, then without such recommendations, said commission may proceed with the hearing on the proposed urban renewal project prescribed by subsection (c) hereof.

(c) The city commission shall hold a public hearing on an urban renewal project, after public notice thereof by publication in a newspaper having a general circulation in the area of operation of the municipality. The notice shall describe the time, date, place and purpose of the hearing, shall generally identify the urban renewal area covered by the plan, and shall outline the general scope of the urban renewal project under consideration.

(d) Following such hearing, the city commission may approve an urban renewal project if it finds that (1) a feasible method exists for the location of families who will be

displaced from the urban renewal area in decent, safe and sanitary dwelling accommodations within their means and without undue hardship to such families; (2) the urban renewal plan conforms to the general plan of the municipality as a whole; and (3) the urban renewal plan will afford maximum opportunity, consistent with the sound needs of the municipality as a whole, for the rehabilitation or redevelopment of the urban renewal area by private enterprise: Provided, that if the urban renewal area consists of an area of open land to be acquired by the municipality, such area shall not be so acquired unless (1) if it is to be developed for residential uses, said commission shall determine that a shortage of housing of sound standards and design which is decent, safe and sanitary exists in the municipality; that the need for housing accommodations has been or will be increased as a result of the clearance of slums in other areas (including other portions of the urban renewal area); that the conditions of blight in the area and the shortage of decent, safe and sanitary housing cause or contribute to an increase in and spread of disease and crime and constitute a menace to the public health, safety, morals, or welfare; and that the acquisition of the area for residential uses is an integral part of and essential to the program of the municipality, or (2) if it is to be developed for nonresidential uses, the local governing body shall determine that such nonresidential uses are necessary and appropriate to facilitate the proper growth and development of the community in accordance with sound planning standards and local community objectives, which acquisition may require the exercise of governmental action, as provided in this act [division], because of defective or unusual conditions of title, diversity of ownership, tax delinquency, improper subdivisions, outmoded street patterns, deterioration of site, economic disuse, unsuitable topography or faulty lot layouts, the need for the correlation of the area with other areas of the municipality by streets and modern traffic requirements, or any combination of such factors or other conditions which retard development of the area.

(e) An urban renewal plan may be modified at any time: Provided that if modified after the lease or sale by the municipality of real property in the urban renewal project area, such modification may be conditioned upon such approval of the owner, lessee or successor in interest as the municipality may deem advisable and in any event shall be subject to such rights at law or in equity as a lessee or purchaser, or his successor or successors in interest, may be entitled to assert.

(f) Upon the approval by the municipality of an urban renewal plan or of any modification thereof, such plan or modification shall be deemed to be in full force and effect for the respective urban renewal area and the municipality may then cause such plan or modification to be carried out in accordance with its terms.

(g) Notwithstanding any other provisions of this act [division], where the city commission certifies that an area is in need of redevelopment or rehabilitation as a result of a flood, fire, hurricane, earthquake, storm, or other catastrophe respecting which the governor of the state has certified the need for disaster assistance under Public Law 875, Eighty-first Congress, or other federal law, the city commission may approve an urban renewal plan and an urban renewal project with respect to such area without regard to the

provisions of subsection (d) of this section and the provisions of this section requiring a general plan for the municipality and a public hearing on the urban renewal project.

(Laws of Fla. Ch. 61-2165, § 6)

Sec. 207. Powers.

The City of Fort Lauderdale shall have all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this act [division], including the following powers in addition to others herein granted:

(a) To undertake and carry out urban renewal projects within its area of operation; and to make and execute contracts and other instruments necessary or convenient to the exercise of its powers under this act [division]; and to disseminate slum clearance and urban renewal information;

(b) To provide or to arrange or contract for the furnishing or repair by any person or agency, public or private, of services, privileges, works, streets, roads, public utilities or other facilities for or in connection with an urban renewal project; to install, construct, and reconstruct streets, utilities, parks, playgrounds, and other public improvements; and to agree to any conditions that it may deem reasonable and appropriate attached to federal financial assistance and imposed pursuant to federal law relating to the determination of prevailing salaries or wages or compliance with labor standards, in the undertaking or carrying out of an urban renewal project, and to include in any contract let in connection with such a project, provisions to fulfill such of said conditions as it may deem reasonable and appropriate;

(c) Within its area of operation, to enter into any building or property in any urban renewal area in order to make inspections, surveys, appraisals, soundings or test borings, and to obtain an order for this purpose from a court of competent jurisdiction in the event entry is denied or resisted; to acquire by purchase, lease, option, gift, grant, bequest, devise, eminent domain or otherwise, any real property (or personal property for its administrative purposes) together with any improvements thereon; to hold, improve, clear or prepare for redevelopment any such property; to dispose of any real property; to insure or provide for the insurance of any real or personal property or operations of the municipality against any risks or hazards, including the power to pay premiums on any such insurance; and to enter into any contracts necessary to effectuate the purposes of this act [division]: Provided, however, that no statutory provision with respect to the acquisition, clearance or disposition of property by public bodies shall restrict the municipality in the exercise of such functions with respect to an urban renewal project, unless the legislature shall specifically so state;

(d) To invest any urban renewal project funds held in reserves or sinking funds or any such funds not required for immediate disbursement, in property or securities in which savings banks may legally invest funds subject to their control; to redeem such bonds as have been issued pursuant to section 10 of this act [§ 210 hereof] at the redemption price

established therein or to purchase such bonds at less than redemption price, all such bonds so redeemed or purchased to be cancelled;

(e) To borrow money and to apply for and accept advances, loans, grants, contributions and any other form of financial assistance from the federal government, the state, county, or other public body, or from any sources, public or private, for the purposes of this act [division], and to give such security as may lawfully be required and to enter into and carry out contracts in connection therewith. The municipality may include in any contract for financial assistance with the federal government for an urban renewal project such conditions imposed pursuant to federal laws as the municipality may deem reasonable and appropriate and which are not inconsistent with the purposes of this act [division];

(f) Within its area of operation, to make or have made all surveys and plans necessary to the carrying out of the purposes of this act [division] and to contract with any person, public or private, in making and carrying out such plans and to adopt or approve, modify and amend such plans. Such plans may include, without limitation: (1) a general plan for the locality as a whole, (2) urban renewal plans, (3) preliminary plans outlining urban renewal activities for neighborhoods to embrace two (2) or more urban renewal areas, (4) plans for carrying out a program of voluntary or compulsory repair and rehabilitation of buildings and improvements, (5) plans for the enforcement of state and local laws, codes and regulations relating to the use of land and the use and occupancy of buildings and improvements and to the compulsory repair, rehabilitation, demolition, or removal of buildings and improvements, and (6) appraisals, title searches, surveys, studies, and other plans and work necessary to prepare for the undertaking of urban renewal projects. The municipality is authorized to develop, test, and report methods and techniques, and carry out demonstrations and other activities, for the prevention and the elimination of slums and urban blight and to apply for, accept and utilize grants of funds from the federal government for such purposes;

(g) To prepare plans for the relocation of persons (including families, business concerns and others) displaced by an urban renewal project, and to make relocation payments to or with respect to such persons for moving expenses and losses of property for which reimbursement or compensation is not otherwise made, including the making of such payments financed by the federal government;

(h) To appropriate such funds and make such expenditures as may be necessary to carry out the purposes of this act [division], and to levy taxes and assessments for such purposes; to zone or rezone any part of the municipality or make exceptions from building regulations; and to enter into agreements with an urban renewal agency vested with urban renewal project powers under section 15 of this act [section 215 hereof] (which agreements may extend over any period, notwithstanding any provision or rule of law to the contrary), respecting action to be taken by such municipality pursuant to any of the powers granted by this act [division];

(i) To close, vacate, plan or replan streets, roads, sidewalks, ways or other places; and to plan or replan any part of the municipality;

(j) Within its area of operation, to organize, coordinate and direct the administration of the provisions of this act [division] as they apply to such municipality in order that the objective of remedying slum and blighted areas and preventing the causes thereof within such municipality may be most effectively promoted and achieved, and to establish such new office or offices of the municipality or to recognize existing offices in order to carry out such purpose most effectively; and

(k) To exercise all or any part or combination of powers herein granted.

(Laws of Fla. Ch. 61-2165, § 7)

Sec. 208. Eminent domain.

(a) The City of Fort Lauderdale shall have the right to acquire by condemnation any interest in real property, including a fee simple title thereto, which it may deem necessary for or in connection with an urban renewal project under this act [division]. Said municipality may exercise the power of eminent domain in the manner provided in chapters 73 and 74, Florida Statutes, and acts amendatory thereof or supplementary thereto, or it may exercise the power of eminent domain in the manner now or which may be hereafter provided by any other statutory provisions for the exercise of the power of eminent domain. Property already devoted to a public use may be acquired in like manner: Provided, that no real property belonging to the state, or any political subdivision thereof, may be acquired without its consent.

(Laws of Fla. Ch. 61-2165, § 8)

Sec. 209. Disposal of property in urban renewal area.

(a) The City of Fort Lauderdale may sell, lease or otherwise transfer real property or any interest therein acquired by it, and may enter into contracts with respect thereto, in an urban renewal area for residential, recreational, commercial, industrial or other uses or for public use, or may retain such property or interest for public use, in accordance with the urban renewal plan, subject to such covenants, conditions and restrictions, including covenants running with the land, as may deem to be necessary or desirable to assist in preventing the development or spread of future slums or blighted areas or to otherwise carry out the purposes of this act [division]: Provided, that such sale, lease, other transfer, or retention, and any agreement relating thereto, may be made only after the approval of the urban renewal plan by the city commission. The purchasers or lessees and their successors and assigns shall be obligated to devote such real property only to the uses specified in the urban renewal plan, and may be obligated to comply with such other requirements as the municipality may determine to be in the public interest, including the obligation to begin within a reasonable time any improvements on such real property required by the urban renewal plan. Such real property or interest shall be sold, leased, otherwise transferred, or retained at not less than its fair value for uses in accordance with the urban renewal plan. In determining the fair value of real property for uses in

accordance with the urban renewal plan, the municipality shall take into account and give consideration to the uses provided in such plan; the restrictions upon, and the covenants, conditions and obligations assumed by the purchaser or lessee or by the municipality retaining the property; and the objectives of such plan for the prevention of the recurrence of a slum or blighted areas. The municipality in any instrument of conveyance to a private purchaser or lessee may provide that such purchaser or lessee, shall be without power to sell, lease or otherwise transfer the real property without the prior written consent of the municipality until he has completed the construction of any or all improvements which he has obligated himself to construct thereon. Real property acquired by the municipality which, in accordance with the provisions of the urban renewal plan, is to be transferred, shall be transferred as rapidly as feasible in the public interest consistent with the carrying out of the provisions of the urban renewal plan. Any contract for such transfer and the urban renewal plan (or such part or parts of such contract or plan as the municipality may determine) may be recorded in the office of the Clerk of the Circuit Court of Broward County, Florida.

(b) The municipality may dispose of real property in an urban renewal area to private persons only under such reasonable competitive bidding procedures as it shall prescribe or as hereinafter provided in this subsection. The municipality may, by public notice by publication in a newspaper having a general circulation in the community (thirty (30) days prior to the execution of any contract to sell, lease or otherwise transfer real property and prior to the delivery of any instrument of conveyance with respect thereto under the provisions of this section) invite proposals from and make available all pertinent information to private redevelopers or any persons interested in undertaking to redevelop or rehabilitate an urban renewal area, or any part thereof. Such notice shall identify the area, or portion thereof, and shall state that proposals shall be made by those interested within thirty (30) days after the date of publication of said notice, and that such further information as is available may be obtained at such office as shall be designated in said notice. The municipality shall consider all such redevelopment or rehabilitation proposals and the financial and legal ability of the persons making such proposals to carry them out, and may negotiate with any persons for proposals for the purchase, lease or other transfer of any real property acquired by the municipality in the urban renewal area. The municipality may accept such proposal as it deems to be in the public interest and in furtherance of the purposes of this act [division]: Provided, that a notification of intention to accept such proposal shall be filed with the city commission not less than thirty (30) days prior to any such acceptance. Thereafter, the municipality may execute such contract in accordance with the provisions of subsection (a) and deliver deeds, leases and other instruments and take all steps necessary to effectuate such contract.

(c) The municipality may temporarily operate and maintain real property acquired in an urban renewal area pending the disposition of the property as authorized in this act [division], without regard to the provisions of subsection (a) above, for such uses and purposes as may be deemed desirable even though not in conformity with the urban renewal plan.

(Laws of Fla. Ch. 61-2165, § 9)

Sec. 210. Issuance of bonds.

(a) The City of Fort Lauderdale shall have power to issue bonds from time to time in its discretion to finance the undertaking of any urban renewal project under this act [division], including, without limiting the generality thereof, the payment of principal and interest upon any advances for surveys and plans, and shall also have power to issue refunding bonds for the payment or retirement of such bonds previously issued by it. Such bonds shall be made payable, as to both principal and interest, solely from the income, proceeds, revenues, and funds of the municipality derived from or held in connection with its undertaking and carrying out of urban renewal projects under this act [division]: Provided, however, that payment of such bonds, both as to principal and interest, may be further secured by a pledge of any loan, grant or contribution from the federal government or other source, in aid of any urban renewal projects of the municipality under this act [division].

(b) Bonds issued under this section shall not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restrictions, and shall not be subject to the provisions of any other law or charter relating to the authorization, issuance or sale of bonds. Bonds issued under the provisions of this act [division] are declared to be issued for an essential public and governmental purpose and, together with interest thereon and income therefrom, shall be exempted from all taxes.

(c) Bonds issued under this section shall be authorized by resolution or ordinance of the local governing body and may be issued in one (1) or more series and shall bear such date or dates, be payable upon demand or mature at such time or times, bear interest at such rate or rates, not exceeding six (6) per centum per annum, be in such denomination or denominations, be in such form either coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium of payment, at such place or places, and be subject to such terms of redemption (with or without premium), be secured in such manner, and have such other characteristics, as may be provided by such resolution or trust indenture or mortgage issued pursuant thereto.

(d) Such bonds may be sold at not less than par at public sales held after notice published prior to such sale in a newspaper having a general circulation in the area of operation and in such other medium of publications as the municipality may determine or may be exchanged for other bonds on the basis of par: Provided, that such bonds may be sold to the federal government at private sale at not less than par, and, in the event less than all of the authorized principal amount of such bonds is sold to the federal government, the balance may be sold at private sale at not less than par at an interest cost to the municipality of not to exceed the interest cost to the municipality of the portion of the bonds sold to the federal government.

(e) In case any of the public officials of the municipality whose signatures appear on any bonds or coupons issued under this act [division] shall cease to be such officials before the delivery of such bonds, such signatures shall, nevertheless, be valid and

sufficient for all purposes, the same as if such officials had remained in office until such delivery. Any provision of any law to the contrary notwithstanding, any bonds issued pursuant to this act [division] shall be fully negotiable.

(f) In any suit, action or proceeding involving the validity or enforceability of any bond issued under this act [division] or the security therefor, any such bond reciting in substance that it has been issued by the municipality in connection with an urban renewal project, as herein defined, shall be conclusively deemed to have been issued for such purpose and such project shall be conclusively deemed to have been planned, located and carried out in accordance with the provisions of this act [division].

(Laws of Fla. Ch. 61-2165, § 10)

Editor's note: The interest rate limitation in subsection (c) is probably invalid in light of F.S. §§ 215.84, 215.845.

Sec. 211. Bonds as legal investments.

All banks, trust companies, bankers, savings banks and institutions, building and loan associations, savings and loan associations, investment companies and other persons carrying on a banking or investment business; all insurance companies, insurance associations, and other persons carrying on an insurance business; and all executors, administrators, curators, trustees, and other fiduciaries, may legally invest any sinking funds, moneys, or other funds belonging to them or within their control in any bonds or other obligations issued by the City of Fort Lauderdale pursuant to this act [division] or by any urban renewal agency vested with urban renewal project powers under section 15 of this act [section 215 hereof]: Provided that such bonds and other obligations shall be secured by an agreement between the issuer and the federal government in which the issuer agrees to borrow from the federal government and the federal government agrees to lend to the issuer, prior to the maturity of such bonds or other obligations, moneys in an amount which (together with any other moneys irrevocably committed to the payment of interest on such bonds or other obligations) will suffice to pay the principal of such bonds or other obligations with interest to maturity thereon, which moneys under the terms of said agreement are required to be used for the purpose of paying the principal of and the interest on such bonds or other obligations at their maturity. Such bonds and other obligations shall be authorized security for all public deposits. It is the purpose of this section to authorize any persons, political subdivisions and officers, public or private, to use any funds owned or controlled by them for the purchase of any such bonds or other obligations. Nothing contained in this section with regard to legal investments shall be construed as relieving any person of any duty of exercising reasonable care in selecting securities.

(Laws of Fla. Ch. 61-2165, § 11)

Sec. 212. Property exempt from taxes and from levy and sale by virtue of an execution.

(a) All property of the City of Fort Lauderdale including funds, owned or held by it for the purposes of this act [division] shall be exempt from levy and sale by virtue of an execution, and no execution or other judicial process shall issue against the same nor shall judgment against the municipality be a charge or lien upon such property: Provided, however, that the provisions of this section shall not apply to or limit the right of obligees to pursue any remedies for the enforcement of any pledge or lien given pursuant to this act [division] by the municipality on its rents, fees, grants or revenues from urban renewal projects.

(b) The property of the municipality, acquired or held for the purposes of this act [division], is declared to be public property used for essential public and governmental purposes and such property shall be exempt from all taxes of the municipality, the county, the state or any political subdivision thereof: Provided, that such tax exemption shall terminate when the municipality sells, leases or otherwise disposes of such property in an urban renewal area to a purchaser or lessee which is not a public body entitled to tax exemption with respect to such property.

(Laws of Fla. Ch. 61-2165, § 12)

Sec. 213. Cooperation by public bodies.

(a) For the purpose of aiding in the planning, undertaking or carrying out of an urban renewal project located within the area in which it is authorized to act, any public body may, upon such terms, with or without consideration, as it may determine: (1) dedicate, sell, convey or lease any of its interest in any property or grant easements, licenses or other rights or privileges therein to the City of Fort Lauderdale; (2) incur the entire expense of any public improvements made by such public body in exercising the powers granted in this section; (3) do any and all things necessary to aid or cooperate in the planning or carrying out of an urban renewal plan; (4) lend, grant or contribute funds to said municipality; (5) enter into agreements (which may extend over any period, notwithstanding any provision or rule of law to the contrary) with said municipality or other public body respecting action to be taken pursuant to any of the powers granted by this act [division], including the furnishing of funds or other assistance in connection with an urban renewal project; and (6) cause public buildings and public facilities, including parks, playgrounds, recreational, community, educational, water, sewer or drainage facilities, or any other works in which it is otherwise empowered to undertake or to be furnished; furnish, dedicate, close, vacate, pave, install, grade, regrade, plan or replan streets, roads, sidewalks, ways or other places; plan or replan; zone or rezone any part of the public body or make exceptions from building regulations; and cause administrative and other services to be furnished to the municipality. If at any time title to or possession of any urban renewal project is held by any public body or governmental agency, other than the municipality, which is authorized by law to engage in the undertaking, carrying out, or administration of urban renewal projects (including any agency or instrumentality of the United States of America), the provisions of the agreements referred to in this section shall inure to the benefit of any may be enforced by such public body or governmental agency. As used in this subsection, the term "municipality" shall also

include an urban renewal agency vested with all of the urban renewal project powers pursuant to the provisions of section 15 [section 215 hereof].

(b) Any sale, conveyance, lease or agreement provided for in this section may be made by a public body without appraisal, public notice, advertisement or public bidding.

(c) For the purpose of aiding in the planning, undertaking or carrying out of an urban renewal project of an urban renewal agency hereunder, the municipality may (in addition to its other powers and upon such terms, with or without consideration, as it may determine) do and perform any or all of the actions or things which, by the provisions of subsection (a) of this section, a public body is authorized to do or perform, including the furnishing of financial and other assistance.

(d) For the purposes of this section, or for the purpose of aiding in the planning, undertaking or carrying out of an urban renewal project of the municipality, said municipality may in addition to any authority to issue bonds pursuant to section 10 [section 210 hereof] issue and sell its general obligation bonds. Any bonds issued by the municipality pursuant to this section shall be issued in the manner and within the limitations prescribed by the laws of this state for the issuance and authorization of bonds by such municipality for public purposes generally except as to constitutional requirements.

(Laws of Fla. Ch. 61-2165, § 13)

Sec. 214. Title of purchaser.

Any instrument executed by the City of Fort Lauderdale and purporting to convey any right, title or interest in any property under this act [division] shall be conclusively presumed to have been executed in compliance with the provisions of this act [division] insofar as title or other interest of any bona fide purchasers, lessees or transferees of such property is concerned.

(Laws of Fla. Ch. 61-2165, § 14)

Sec. 215. Exercise of powers in carrying out urban renewal project.

(a) The City of Fort Lauderdale may itself exercise its urban renewal project powers (as herein defined) or may, if the city commission by resolution determines such action to be in the public interest, elect to have such powers exercised by the urban renewal agency (created by section 16 [section 216 hereof]), if one exists or is subsequently established in the community. In the event the local government body makes such determination, the urban renewal agency shall be vested with all of the urban renewal project powers in the same manner as though all such powers were conferred on such agency instead of the municipality. If the city commission does not elect to make such determination, the municipality in its discretion may exercise its urban renewal project powers through a board or commissioner or through such officers of the municipality as the city commission may by resolution determine.

(b) As used in this section, the term "urban renewal project powers" shall include the rights, powers, functions and duties of the municipality under this act [division], except the following: the power to determine an area to be a slum or blighted area or combination thereof and to designate such area as appropriate for an urban renewal project and to hold any public hearings required with respect thereto; the power to approve urban renewal plans and modifications thereof; the power to establish a general plan for the locality as a whole; the power to formulate a workable program under section 4 [section 204 hereof]; the power to make the determinations and findings provided for in section 3 [section 203 hereof], section 5 [section 205 hereof] and section 6(d) [section 206(d) hereof]; the power to issue general obligation bonds; and the power to appropriate funds, to levy taxes and assessments, and to exercise other powers provided for in section 7(h) [section 207(h) hereof].

(Laws of Fla. Ch. 61-2165, § 15)

Sec. 216. Urban renewal agency.

(a) There is hereby created in the City of Fort Lauderdale a public body corporate and politic to be known as the "urban renewal agency" of the City of Fort Lauderdale; provided that such agency shall not transact any business or exercise its powers hereunder until or unless the local governing body has made the finding prescribed in section 5 [section 205 hereof] and has elected to have the urban renewal project powers exercised by an urban renewal agency as provided in section 15 [section 215 hereof].

(b) If the urban renewal agency is authorized to transact business and exercise powers hereunder, the city commission shall appoint a board of commissioners of the urban renewal agency which shall consist of seven (7) commissioners. The term of office of each such commissioner shall be one (1) year.

(c) A commissioner shall receive no compensation for his services but shall be entitled to the necessary expenses, including traveling expenses, incurred in the discharge of his duties. Each commissioner shall hold office until his successor has been appointed and has qualified. A certificate of the appointment or reappointment of any commissioner shall be filed with the clerk of the City of Fort Lauderdale and such certificate shall be conclusive evidence of the due and proper appointment of such commissioner.

The powers of the urban renewal agency shall be exercised by the commissioners thereof. A majority of the commissioners shall constitute a quorum for the purpose of conducting business and exercising powers of the agency and for all other purposes. Action may be taken by the agency upon a vote of a majority of the commissioners present, unless in any case the by-laws shall require a larger number. Any persons may be appointed as commissioners if they reside within the area of operation of the agency (which shall be coterminous with the area of operation of the municipality) and are otherwise eligible for such appointments under this act [division].

The city commission shall designate a chairman and vice-chairman from among the commissioners. The agency may employ an executive director, technical experts and

other such agents and employees, permanent and temporary, as it may require, and determine their qualifications, duties and compensation. For such legal service as it may require, an agency may employ or retain its own counsel and legal staff. The agency authorized to transact business and exercise powers under this act [division] shall file, with the city commission, on or before March 31, of each year a report of its activities for the preceding calendar year, which report shall include a complete financial statement setting forth its assets, liabilities, income and operating expense as of the end of such calendar year. At the time of filing the report, the agency shall publish in a newspaper of general circulation in the municipality a notice to the effect that such report has been filed with the municipality and that the report is available for inspection during business hours in the office of the city clerk and in the office of the agency.

(d) For inefficiency or neglect of duty or misconduct in office, a commissioner may be removed only after a hearing and after he shall have been given a copy of the charges at least ten (10) days prior to such hearing and have had an opportunity to be heard in person or by counsel.

(Laws of Fla. Ch. 61-2165, § 16)

Sec. 217. Interested public officials, commissioners or employees.

No public official or employee of the City of Fort Lauderdale (or board or commission thereof), and no commissioner or employee of the urban renewal agency which has been vested by a municipality with urban renewal project powers under section 15 [section 215 hereof] shall voluntarily acquire any personal interest, direct or indirect, in any urban renewal project, or in any property included or planned to be included in any urban renewal project of such municipality or in any contract or proposed contract in connection with such urban renewal project. Where such acquisition is not voluntary, the interest acquired shall be immediately disclosed in writing to the local governing body and such disclosure shall be entered upon the minutes of the governing body. If any such official, commissioner or employee presently owns or controls, or owned or controlled within the preceding two (2) years, any interest, direct or indirect, in any property which he knows is included or planned to be included in an urban renewal project, he shall immediately disclose this act in writing to the city commission, and such disclosure shall be entered upon the minutes of said commission and any such official, commissioner or employee shall not participate in any action by the municipality (or board or commission thereof), or urban renewal agency affecting such property. Any disclosure required to be made by this section to the city commission shall concurrently be made to the urban renewal agency which has been vested with urban renewal project powers by the municipality pursuant to the provisions of section 15 [section 215 hereof]. No commissioner or other officer of the urban renewal agency, board or commission exercising powers pursuant to this act [division] shall hold any public office under the City of Fort Lauderdale other than his commissionship or office with respect to such urban renewal agency, board or commission. Any violation of the provisions of this section shall constitute misconduct in office.

(Laws of Fla. Ch. 61-2165, § 17)

Sec. 218. Definitions.

The following terms whenever used or referred to in this act [division], shall have the following meanings, unless a different meaning is clearly indicated by the context:

(a) Agency or urban renewal agency shall mean a public agency created by section 16 of this act [section 216 hereof].

(b) Municipality shall mean the City of Fort Lauderdale.

(c) Public body shall mean the state or any municipality, township, village, board, commission, authority, district, or any other subdivision or public body of the state.

(d) City commission shall mean the city commission of the City of Fort Lauderdale.

(e) Federal government shall include the United States of America or any agency or instrumentality, corporate or otherwise, of the United States of America.

(f) Slum area shall mean an area in which there is a predominance of buildings or improvements, whether residential or nonresidential, which by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population and overcrowding, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, or crime, and is detrimental to the public health, safety, morals or welfare.

(g) Blighted area shall mean an area which by reason of the presence of a substantial number of slum, deteriorated or deteriorating structures, predominance of defective or inadequate street layout, faulty lot layout in relation to size, adequacy, accessibility or usefulness, unsanitary or unsafe conditions, deterioration of site or other improvements, diversity of ownership, tax or special assessment delinquency exceeding the fair value of the land defective or unusual conditions of title, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, substantially impairs or arrests the sound growth of a municipality, retards the provision of housing accommodations or constitutes an economic or social liability and is a menace to the public health, safety, morals, or welfare in its present condition and use: Provided, that if such blighted area consists of open land the conditions contained in the proviso in section 6(d) [section 206(d) hereof] shall apply: And provided further, that any disaster area referred to in subsection (g) of section 6 [section 206 hereof] shall constitute a "blighted area."

(h) Urban renewal project may include undertakings and activities of the municipality in an urban renewal area for the elimination and for the prevention of the development or spread of slums and blight, and may involve slum clearance and redevelopment in an urban renewal area, or rehabilitation or conservation in an urban renewal area, or any

combination or part thereof in accordance with an urban renewal plan. Such undertakings and activities may include (1) acquisition of a slum area or a blighted area or portion thereof; (2) demolition and removal of buildings and improvements; (3) installation, construction, or reconstruction of streets, utilities, parks, playgrounds, and other improvements necessary for carrying out in the urban renewal area the urban renewal objectives of this act [division] in accordance with the urban renewal plan; (4) disposition of any property acquired in the urban renewal area (including sale, initial leasing or retention by the municipality itself) at its fair value for uses in accordance with the urban renewal plan; (5) carrying out plans for a program of voluntary or compulsory repair and rehabilitation of buildings or other improvements in accordance with the urban renewal plan; and (6) acquisition of any other real property in the urban renewal area where necessary to eliminate unhealthful, unsanitary or unsafe conditions, lessen density, eliminate obsolete or other uses detrimental to the public welfare, or otherwise to remove or prevent the spread of blight or deterioration, or to provide land for needed public facilities.

(i) Urban renewal area means a slum area or a blighted area or a combination thereof which the city commission designates as appropriate for an urban renewal project.

(j) Urban renewal plan means a plan, as it exists from time to time, for an urban renewal project, which plan (1) shall conform to the general plan for the municipality as a whole except as provided in subsection 6(g) [section 206(g) hereof]; and (2) shall be sufficiently complete to indicate such land acquisition, demolition and removal of structures, redevelopment, improvements, and rehabilitation as may be proposed to be carried out in the urban renewal area, zoning and planning changes, if any, land uses, maximum densities, building requirements, and the plan's relationship to definite local objectives respecting appropriate land uses, improved traffic, public transportation, public utilities, recreational and community facilities, and other public improvements.

(k) Real property shall include lands, including improvements and fixtures thereon, and property of any nature appurtenant thereto, or used in connection therewith, and every estate, interest, right and use, legal or equitable, therein including terms for years and liens by way of judgment, mortgage or otherwise.

(l) Bonds shall mean any bonds (including refunding bonds), notes, interim certificates, certificates of indebtedness, debentures or other obligations.

(m) Obligees shall include any bondholder, agents, or trustees for any holders, or lessor demising to the municipality property used in connection with an urban renewal project, or any assignee or assignees of such lessor's interest or any part thereof, and the federal government when it is a party to any contract with the municipality.

(n) Person shall mean any individual, firm, partnership, corporation, company, association, joint stock association or body politic; and shall include any trustee, receiver, assignee, or other person acting in a similar representative capacity.

(o) Area of operation shall mean the area within the corporate limits of the municipality.

(p) Board or commission shall mean a board, commission, department, division, office, body or other unit of the City of Fort Lauderdale.

(q) Public officer shall mean any officer who is in charge of any department or branch of the government of the City of Fort Lauderdale relating to health, fire, building regulations, or to other activities concerning dwellings in the municipality.

(Laws of Fla. Ch. 61-2165, § 18)

Sec. 219. Separability; act controlling.

Notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any provision of this act [division], or the application thereof to any person or circumstances, is held invalid, the remainder of the act [division] and the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

Insofar as the provisions of this act [division] are inconsistent with the provisions of any other law, the provisions of this act [division] shall be controlling. The powers conferred by this act [division] shall be in addition and supplemental to the powers conferred by any other law.

(Laws of Fla. Ch. 61-2165, § 19)